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SOME IDEA OF THE
CIVIL & CRIMINAL COURTS
OF
J U S T I C E

AT MOORSHOODABAD,

IN A LETTER TO

CAPT. JOHN HAWKSHAW,

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At Behrampore, of the 30th May 1789.

C A L C U T T A :

PRINTED FOR THE AUTHOR.

M.DCC.LXXXIX.

SOME IDEAS OF THE

CIVIL & CRIMINAL COURTS

J. U. S. T. I. C. E.

AT MOOREHEAD

IN A LETTER TO



CAPT. JOHN

the Representative of the South

CALCUTTA

PRINTED FOR THE AUTHOR

W. B. B. B.

Some idea of the Civil and Criminal Courts of Justice at Moorshoodabad. — In a letter to Captain John Hawkshah at Behrampore, of the 30th May, 1789.

SCILICET HIS SUPERIS LABOREST ! HÆC CURA QUISTOS
SOLLICITAT ! LUCRE.

S I R,

Y O U ask me what effect has had the anonymous memorial I found means to convey a year ago to government upon the mode of rendering justice in the several Courts of Bengal, or at least in Moorshoodabad : the answer will be a short one ; none at all, Sir. It cannot be expected, that an anonymous paper shall find its way to a Governor General's attention ; and even did I acknowledge myself the author of it, it cannot be expected that my name alone will attract the notice of a man absorbed in a variety of businesses, all important, all urging, and all recommended to his care by some peculiar circumstance ; whilst the memorial itself being a series of strictures upon a matter of which no one complains, and no one even so much as talks of, is from that very circumstance, looked upon in a defavourable light, and from that moment loses that little importance, which otherwise it might have a chance to from its matter. It shall have probably its turn at some distant time or other, when the evil already come to a height, shall by some unlucky event burst out into celebrity, and force the attention of government ; just as have done Seventeen years ago the Dastacks, or Free Passes allowed to the Company's Servants ; and since, the Chokeys or numerous Toll-Houses that clogged all the Rivers, all the Creeks, and all the Roads, and Bye-Roads in Bengal. The English Company after having gone twice to war with the Sovereigns of this Country, and shed an immense deal

of blood to assert the unlimited Freedom of Trade to themselves and their own Servants, no sooner became themselves Sovereigns of this Country, than the Destacks with all their train of abuses, and inconveniencies soon recoiling home upon them, the Directors first retrenched the Destacks to their Servants, and then forbade them all inland trade; and this was when the English become Lords of the kingdom, felt the evil come home to themselves: the same may be said of the Chokeys: as soon as the English found themselves solidly established in Bengal, they remembered all that infinity of evils that had resulted from those sinks of all crimes; and a bold decisive genius, who to a deal of experience joined an Eagle-like fight in matters of futurity, suppressed them at once. It was one of the first operations of Governor Hastings in 1772. In a like manner, some day or other the many iniquities committed in the Courts of Justice, and the irregular and ridiculous procedines countenanced in them, shall force the attention of Government; and then, end not sooner, will anominous memorials have a chance to be attended to: then will some remedy be thought of, to alleviate the sufferings of that infinity of wretches who groan, but dare not speak; and being too ignorant to have an adequate conception of the English Government, really think that complaints would answer no purpose, as all the English, forsooth, are linked together in matters of profit and emolument, or if you will, iniquity; and as extorfions, from the Nazer, Moonshy, and Divan of such a Magistrate or Barah Sahab of such a Court of Justice, up to the Governor Bahadry, were but so many matters of course.

Nor will such a reform require less than a full Six Months of the time of the whole Council, even after matters shall have come ready prepared at their hands. At present this Council immerfed in a variety of Avocations, has no time to spare for such a reform; fiscal matters must be attended to, first; the state of the agriculture, next, the Company's Debt, thirdly; the merchantile concerns, fourthly; politicks of all kinds come next; and private matters, at last, bring up the rear.

Expect

Expect then no reform unless some particular excess and (these are enormously numerous), some day or other, come to take Sword in hand, some out work of the attention of our Rulers.

My reasons for advising you to forbear complaining of your Landlord, and of the artifice by which he has cheated you out of two hundred rupees, continue as much in force as ever. You shall be obliged to take an Attorney in your pay, that is a Bengali at ten or twelve rupees per month; and this man coming to an understanding with your adversary, shall find means to spinout the matter to one or two years length: be it in six months: your adversary with one-half of your own money shall bribe the Moonshies, Divans, and Nazurs, and keep the other half to himself: the Moonshies, Divans, and Nazurs, shall infallibly mislead the Magistrate; and as they know that the troops will be removed in November next, they will waste your patience till that time. But you tell me that you will bribe them, as does your adversary. No, Sir, you will not, and shall not; for they are too cunning to touch any bribe from you. At the end of a certain time then, you shall be obliged to abandon your suit; and then, you shall find that you have been out of Pocket by as much money as you have paid in Commission to government to wit, ten rupees upon two hundred, and by seventy or eighty more, which you have given to your Attorney, and a dozen more for Court Fees and Charges; and all this, over and above the Two Hundred Rupees which form the object of your Complaint; and over and above all the vexation and loss of time that you shall have undergone. Is it not better then to put all that extra expence in your pocket, and to sit down with only the loss of the original Two Hundred Rupees? I advise you therefore by all means to forbear preferring a Complaint; and I advise your friend likewise: let him take warning from my own case, or rather from my own cases.

But that you may draw rules of conduct for yourself from my own fate, I shall give you an historical account of five or six Law-suits I have had these four years; for it is my hard fate, that after having lived full Twenty-seven years amongst the English, without
having

having ever had any discussion, I should be now forced into a number of quarrells and Complaints, the moment I have attempted to merchandise with my own hand and to entrust others with my money. What I shall say is founded on record: I want no other vouchers than the records; nor have I the least objection to your judging me by recurring to a perusal of them, however wretchedly, ignorantly and designedly packed I have had opportunities to know them to be.

Whilst I was in Calcutta, in 1786, Alexander Gego, of Calcutta or Cossimbazar, who owed me a deal money (more than six thousand Rupees lent upon Bond), and had given me in mortgage a house which he had at Cossimbazar, came to abscond. On my return from Calcutta, I found my watchman gone, and the house tenanted by some Carpenters and some prostitutes. Unfortunately on setting out the last year from Cossimbazar at midnight from Gego's house, I forgot the deeds with my two Shauls, and carried down only the mortgage bond which gave me leave to sell the house at such a time. However, as the house was known to have been mortgaged to me, I retook possession of it, expelled the women and men, shut it up, and put it under the care of a new watchman: this house is at only four yards distance from the back part of the Portuguese Church. A few days after, I fixed on the gate of the Church a paper which recited the transaction between Gego and me, with his leave to sell it; and accordingly I fixed the day of sale by Public Auction in a month after, that is, the 1st March 1787. The day being come, there appeared Twenty-five persons, four of whom English, and four Armenians, the latter being the only bidders. I did not know then that these were relations, Writers, or Canfamans to Set-Aga, an eminent Armenian of Sâydabad, then present to whom the house was knocked down for 850, exactly the tenth of its original value: although I did not know then that he had by combination kept the price down, yet I was hurt at the low price for which the house would go, and was more than once tempted to take it to myself; but on recollecting that I was both the mortgagee, the seller and the Crier, I thought it better to abstain from it, and to let Set-Aga have it
for

for that price, payable as per notice, within three days, all charges upon the buyer, one whose account the house would be refold, if the money was not payed within the stipulated time. I did not know then that the Armenian was a quarrellsome peevish man, who had always a dozen of quarrells on hand, and three or four advocates and Attornies in his service; a man of course to whom one or two quarrells more would prove but a mere trifle. In four days I sent for the money, and was put off: sent again, and was put off again, and again and again. At last I went to see him myself; and as he objected that I had no deeds, I proposed to give him a bill of sale in form, and to stipulate a full indemnification. The man refused, and talked so high, that I could not help thinking that he came out of some entertainment, (which in fact proved to be the case) : but he had another reason for talking so high: he had bribed my watchman and taken possession of the house. The watchman said he had forced open the door, and drove him away. Be it as it will, in seven days more, I fixed a new paper to the Church-door, purporting that the house would be, according to the tenor of the conditions of sale, put up again Monday next. This paper not only Set-Aga tore away of his own private authority, but he moreover gave me notice of it under his hand: and what proves that the man had been carousing these many days is, that he who never wrote to me but in Persian, now found means to write a French letter which he signed in Armenian; and I have it. Now it must be observed that such a forcible entry was very easy to the Armenian: for he lives upon the spot, and I live in Mogul-tooly Moorhoodabad at eight miles from thence. Fain I was again to wait upon him, and to expostulate about what he had done; and finding him inexorable, I reduced my request to his paying me at least 254 worth of decayed furniture which I had sold him the day of the Auction. No, said the man with fury, I shall pay you this when I pay for the house: neither the one nor the other belongs to you.—“ Well, Sir, I acknowledge to have stolen both, but you have bought them of me: pay then for them or give them back: pay at least for the furniture, unless you want deeds also for it” for this expostulation I got nothing but the same answer: fain I was to prefer a complaint to the

Magistrate:

Magistrate: Summons were sent; and he answered in writing "that
 " he had bought such a house from me; but that he had learned since
 " that it did not belong to me: and that whenever I should produce
 " the Deeds, he would pay; and that as to my offering a Bill of sale
 " and a promise of an indemnification in full, neither the one nor the
 " other answered his purpose, as I was a stranger, a man born in Con-
 " stantinople, who might some day or other return thither." All this
 was no answer to my complaint, which consisted of two points only:
 to wit, a house which he had forced out my hands, and which he did
 not pay; and 254 rupees worth of effects which he had bought and
 did not pay. Nor did any one ever attend to this, that the Arme-
 nian in every one of his three answers, evaded the subject of com-
 plaint; and shifted his answer upon another object; my three replies
 and rejoinders continued to insist that he had given no direct answer to
 my Petition. At last the Judge came to think that the dispute con-
 sisted about the propriety of a house, and obliged me to produce
 Mortgages, Bonds, Vouchers and Witnesses; infomuch that this affair
 which might have been terminated in a month, drew to a length
 of eighteen months. Set-Aga, said one the Magistrates, wants to give
 you neither the house nor the money: for he says that you have a
 right to neither. " Sir, answered I in writing: I acknowledge that
 the house was in a chest belonging to somebody; and that I have
 broke the chest open, and carried the house away: but all this is
 not the question; nor is the question how I got it. I will one day
 answer for it to the man of the chest: the question is only whe-
 ther the Armenian has bought it of me at an auction at such a day;
 whether he has made a forcible entry in it; and whether to this
 day he withholds payment: but he acknowledges through his
 answers that he has bought such a house and such effects of me: let
 him then pay for those, and pay also interest for the money; or if
 he is dissatisfied with what Deeds I can afford, let him return
 the house with house-rent for so many months. Our case seems to be
 quite plain."

This plain reasoning which the bare perusal of the first complaint
 and first answer, would have suggested infallibly, had those two
 papers

papers being attended-to, was repeated over and over, and produced nothing. The Judge continued to look upon the propriety the house as a matter in litigation, and went-on with an infinity of inquiries and disputes upon a subject on which the two parties had agreed in their answers a full year ago. But he had about himself people that had a high influence on his mind, and took care to keep him misled. Fain I was then not only to produce the order which gave me authority to sell the house, but also to bring evidence on that Voucher. Luckily that it was written in the presence of, and Signed by, two Public Witnesses; the Portuguese Curate, who lived next door, and Warman, the Surgeon of the Dutch Factory, who was lodged at a hundred yards from thence. But he was absent and also dead; and the Curate had been removed to another Curacy, at Chitigong; and as the intention of the Moonshies (and these are the acting Magistrates) was to embarrass and not to clear up the matter, they asked his successor, whom I had prevailed upon to appear as evidence to his Predecessor's Signature, whether this was such a one's hand? Yes, answered the Portuguese Curate: I know it well: I am in correspondence with him. Well, answered the Moonshies; that is not enough: are you certain that your Predecessor did sign this paper? Yes, answered the Padre; I am, for I have heard of the whole transaction at length from his mouth; and he told me that he had signed it.

And thus the signature of the first Evidence was ascertained. Remained Warman's; and as the Dutch, who knew very well both the signature and the whole transaction, did not chuse to appear before an English Tribunal; and this Tribunal was reduced to two Moonshies both inept or designing, the Voucher was at stand. Luckily that I recollected that the actual Portuguese Curate had told me he knew Warman's signature, and would distinguish it amongst a hundred others. Upon this he was desired to come again. Is this Warman's signature, said the Magistrate? Yes, answered the Curate: I know it very well; and here one would think that the matter was over: but the intention being evidently to disappoint me with my Voucher, one of the Moonshies replied: Father, you believe only that this is Warman's signature; you are not certain of it. Indeed no, replied the

the Curate : I firmly believe it to be Warman's signature, but have no certitude of it, unless it be from common report ; then, said the Moonshy, your evidence is insufficient. You cannot swear that it is his ; and with these words, the Portuguese was dismissed. Now, after the iniquity of obliging me to prove by Vouchers my right to a house which the defendant acknowledged to have bought of me at an Auction, what do you think of this other iniquity of obliging the Curate to Swear that he knew for certain that such a writing was Warman's hand ? No man can swear so much ; and never did a Court of Justice ask so much. The answer of an evidence in every part of the World is always this, that he *does believe* that such and such writing is such a one's hand.

At last however even the Voucher was proved ; and this chicanne was got over. But the Moonshies soon suggested another to their Master : you never offered Set-Aga, sayd he, an *Ecrar-Nama*, or a promise of an indemnification, in case he was made uneasy in his possession. I have answered I, I have many times throughout my answers : let one be produced. Well, Sir, there is no *Ecrar-Nama* there, observed the Judge. No, Sir, because it is not the proper word ; but there is an offer of *Bëi-Nama*, or Bill of Sale, which implies both the delivery of the House, a receipt of the money, and a promise of an indemnification. (And what is Singular this odious chicanne of his Moonshies proved both their ignorance of the proper law-term, and their inattention ; for on coming home I found that in my three answers the *Bëi-Nama* is offered or hinted-at full two and twenty times).

I never had the honor to be a Judge of my fellow creatures ; but had I, soon I would have pitched upon a method to become at once master of the subject in litigation : the eve before Judgement I would order the three complaints and the three answers to be copyed at length upon two columns, with a third column in blank ; and after having perused them over night, and reflected upon them, I would peruse them again next morning at day break, and then would write my own remarks in the third column : this done, I would peruse
the

the whole again, before taking my seat; and then talking the whole in my hand, I would put questions to the parties, and hear their answers; and having remarked again upon these last; I would again look over the whole; so that on the appointed day, that is one or two days after, I would come so well prepared, as to set all the Moonshies at defiance.

At last however it became time to give a decree: the price of the houses, and the price of the furniture were decided to be my due: but I cannot grant, said the Judge upon his Moonshie's suggestion, I cannot grant you more than that; for it would be more than you ask: and thus after full eighteen months, I was ordered payment of the two Sums of 254 and 850, for the house and things which had been so long in the Armenian's possession, and for which he had acknowledged that no surrender and no delivery had been made to him: and he payed me the Sum of 1100 Rupees, without either house rent for such a length of time, or interest for the money. Common sense pointed out that I was by all means intitled to either the one or the other: and common sense points out likewise that the Moonshies must have been awares of it. But as they wanted only to plague me by teizing and tiring me; and they wanted also to intitle the Court, that is, themselves, to a fresh Commission upon the 1300, my due for Eighteen Months house rent, (which Commission they would have lost, had they comprised the amount of the house-rent within the decree already given: (for whoever prefers a complaint is obliged to pay before hand to government a Commission of five or eight per Cent. upon the amount of his demand) I was then obliged to institute a fresh complaint for house rent. I have just said that the injustice committed in not granting me either the interest of the money, or the amount of the house rent, was with a view to make a new cause of it, and to bring in Court a further commission with a further set of fees, &c. upon a demand now to be presented, as new. So I thought at first; but in the Sequel I found the real intention was to bilk me out of that house-rent to all intents and purposes; for the decree which condemned Set-Aga to pay me only the value of the house, was dated the 14th Nov. 1788, and they knew that I was going to Calcutta not only to turn

author,

author, which alone would have required a very long stay, but also to remain there for a Livelyhood; and therefore obliging me to institute a new suit for house rent, was nugatory, unless indeed I chuse to leave an attorney, whom they would soon bring over to their side, and with whose assistance they would have spun that affair to a couple of years more, besides two years more to get the money out of the Attorney's hand, if possible to get it out of it at all: the intention therefore was to secure the Commission at all events, and then to let me run as much as I pleased from Calcutta after my demand. What makes me think so, is what has happened subsequently: the decree was given the 1st November only for the original Sum: I parleyed much, and reasoned much, (as much however as one can parley and reason with people that are in a flame, when they hear of any argument that demonstrates their injustice or points out their inattention or ignorance); at last I filed a new bill for 1300 house-rent, in hopes that as the decree already in hand, acknowledged that the Armenian had been all this while in possession of the house, he would of course on that strength be condemned to pay that house-rent; for the decree proving to be the two first parts of my Syllogism, the demand for house-rent became of course the conclusion. The Commission was payed, and the new bill filed the eighteenth or twentieth of November; the Court remained open as far as the first days of December, and yet not only nothing was determined upon a cause that required no new reasoning, but even no summons were sent. Finding how the wind blew, I set out for Calcutta, with intention to stay there. But an accident happened there which disconcerted both the Moonshies and me. Some charitable hand administered me a dose of poison; and the circumstances it reduced me to, proving deplorable, I ran away from Calcutta, abandoning every Scheme and every project, and returned to Moorshoodabad. After a two months recess, the Court became open again in the first days of March. No Summons yet: at last I solicited, and strongly; and Summons were sent, and a day appointed for an answer: the appointed day, no answer: you are going to think, Sir, that the man was condemned *ipso facto*; and so did I think too: but I thought wrong; the man's Attorney came, he was chided; and a new day was appointed; and on his

his not appearing, a new day again; mean while I was ordered to produce my Vouchers for this *new demand*. Sir, I have none, but the decree, and it is enough. *Bring it.* But you have it in the records. *No matter bring it, as your Voucher:* I brought two copies of it: *no you must bring the original;* but *the original* is my only Voucher: "how can I part with it, especially as your people will not give a receipt for the same? And is not my original itself a copy of the decree in your records? Do determine upon these two copies on the merits of the cause: I will then confront them with my decree, which I shall bring." *No, you must bring it now: else, the cause shall be at a stand.* The decree then was brought, and a day fixed for the defendant's receiving the copy of it; as if he had not already received on the 14th November preceding, as valuable a copy of it, as I had myself. At that day he did not appear; and his being brought in, took up a fortnight more. Mean while I requested to have my Voucher again. *No.* A few days after, a new request. *No,* a few days after, a third. *No;* but here the judge himself came forwards. *What does mean your master with his repeated requests? Is he afraid of my mislaying his Voucher? Did he ever hear that such a thing was ever done? Let him wait.*

Now all this may be interpreted in a fair manner, I suppose. But suppose that the Moonshies should have been payed (and this is only a supposition) for altering the record in that part which says: *and it appears that the house has been all this while in Set-Aga's hands,* which clause is my only Voucher; would not this filching the decree out of my hands, enable them to do it with ease, and then to present me for my Voucher with a decree according their own intent and correction? In that case how am I to prove the alteration, and how to ascertain the spuriousness of this new decree? They are the men that drew it up: the men that registered it: the men that have opposed the seals to it; and as to the judges Signature, it is written with English ink upon Bengal paper, and of course so bloated and so ill done, that any man may easily imitate it, supposing even that his people should not over reach him in a new signature, as they have done so many times; the man being unacquainted with Persian, and being be-

sides

sides that, liable to mistakes in that multitude of papers that are daily presented to him for his Signature and are signed of course. But all these surmises Sir, are only imaginations of your's. That may be : I acknowledge that they are so many suppositions of mine : but please to acknowledge likewise that if the intent was to alter the record, and to deprive me of my only Voucher, the methods taken hitherto seem perfectly calculated to accomplish that end : for the Voucher was never returned.

On comparing therefore what I have already seen of this affair in its first stage, with what I was experiencing in its second, I concluded that there was no intention to bring it to a conclusion, and I gave it up entirely : with this further disadvantage that being bereft of the decree, which had been put in my hands (it is No. 3001) I am bereft of all Vouchers, and of course of all opportunity of renewing my claim ; and the defendant, convicted of a forcible entry, and of having kept possession of my house and effects for eighteen months together has been off with only paying me 1100 rupees which was the first demand ; from which we must deduct the Charges and interest, that is one full third.

This is one of my stories : here is another.

In the year 1772 I lent about 800 rupees in goods and in money to one Hadjee Abdollah, an Arabian who had been once my servant, and whose fortune I wished to commence, as he was going to Lucknow and Dehli with a small cargo. He might then be worth fifty or a hundred Rupees at most. As he lived next door to me, I agreed to take care of his family, to whom I was to pay eight rupees a month for six months together, until he should send supplies. But supplies he sent none ; nor even any letters : only I learned from the Gazette of Delly that one Hadjee Abdollah having presented the Emperor with four bottles of oil of olives (a very scarce and precious article in those parts), and three seers of oil of Belesian (or Balsam of Mecca,) had been complimented with a sum of Two Thousand Rupees. These were the very articles I had given him at 6 rupees the bottle, and at 18 rupees the seer, as I was lately come from Mecca, and
knew

knew nothing of the high value of those articles in hindia. Six months more being elapsed, and two more besides, without receiving any news from him, I withdrew the pension I had agreed to advance to his family; but on hearing of its distress, I made it out of my own purse a present of three Rupees per month, with now and then some clothes and some victuals; all which I cannot prove, but which however are notorious. In two years more I repaired to Calcutta, and there learned not only that the wife had all this while corresponded with the husband, but moreover that on my setting out for Calcutta, she had set out for Delli. This being the state of things, I gave up the money for lost; but in 1781 having taken into my head to take a trip to Lucknow by the way of Ilah-abad, I heard at Banarefs that the man had fled from thence a fortnight before my arrival. Five years after, that is, in 1785, I went again to Lucknow, where Six Months after, the man came with a cargo of goods; but, hearing that I was there, he put on the most wretched garb, armed himself with a Musket, and mounted on a Nag worth five rupees, he landed in my house, exposed the many shipwrecks, losses, mischances he had met with these twelve years, kissed my hand, received five rupees, and went away. A month after, being at dinner at M. Wombwell's, this gentleman shewed me a large bottle of Attur of Roses, and I read upon it in Persian characters *twenty-five tolas belonging to Hadjee Abdollah Yemanees*. On my inquiring of the Steward, who was this Abdollah Yamanee, I found he was my very man, who had come not a few days before, as I had been made to think, but full two months ago, to Lucknow.

On sending to inquire amongst the Arabians of Lucknow, I found that he had sold two Habissinian slave-girls* to Haider Beg Khan for two

* That the Reader may not think himself imposed upon on account of that high price, he is to remember that both in India and Turkey as well as Persia, habissinian men and women bear the highest price for their unshaken integrity and their exemplary fidelity; whilst no higher price than fifteen or twenty rupees is ever bid for Indian Slaves. But there are some secret reasons that render the women, especially, so highly valuable, although they are by no means comparable to Indians in beauty: they have long unhandsome faces betwixt the tawny and olive, and hair just hanging in ringlets as far as the shoulder, and never farther: But then they make this up by three qualifications that set them above all the women of the

thousand

thousand rupees, and had brought some other goods to the amount of ten thousand more: upon this I applied to Major Palmer to have him apprehended; but the Persian letter which he gave me having been written by Tefezzel-Hossain-Khan, his secretary, who had also bought some articles of the man, the latter who happened to be there whilst it was writing, posted to Haider Beg Khan's Chopdars whom or a small gratuity he engaged to barre my passage. Being arrived at the Prime Minister's, I was desired by the head Chopdar to wait a little; and whilst an infinity of men were endlessly pouring in and out, that little of mine lasted as far as four o'clock, at which time the Minister went into his Seraglio. At a second attempt, the same; at a third, the same; but as I was going out, some gentlemen who were going in, announced me, and the Minister sent for me. I was already gone and far; and I answered that I expected no justice in a house where even Chopdars could be so daring. In a few days I quitted Lucknow, and came to Moorhoodabad; and the man doubtless thought he had escaped for ever. But providence brought him back. He had heard at Lucknow that I was dead, or had been expelled from Bengal; and on this supposition, he came to Moorhoodabad three years after, that is, the very day I was dispatching an Agent to seize him at Banarès. A bill was filed against him for nine hundred rupees principal and fourteen years interest. The man being summoned before the judge (M. Ives) had the assurance to deny he had any dealances with me. Three times I put the question of the many particulars of my debt, and three times he answered in the same style: at the third time I threw before the judge three bonds of his, and one of his wife. Was it not very natural after such an apparition to order the man to draw near, and to ask him whether this and this was his Seal, and this, his hand? One would think so at least; and his answer would have rendered his case at once a sordid one, or of the criminal kind. The judge, whether swayed by some rules of Court, or by the suggestions of a couple of friends which the man had made, or actually busy upon some other matters,

two continents, save perhaps the Negroes: to wit, a mobility and versatility of body that amazes a philosopher; and an animal warmth, and personal elasticity, that surpasses all belief; hence eight hundred Mehurs have been offered in India for an habissinian virgin of sixteen, and refused.

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(he was writing) did not mind the scene. Copies of these four bonds were given to Abdollah, and three months were fixed for his answer: at the end of which he answered, that he had had some dealings with me, but that they were long ago at an end, as he had sent me from Delhi three Diamonds by the channel of a Banker, twelve couples of Shauls by such another, and three drafts of fifty Rupees each, by a third: lastly that the bonds seemed forged, as he had never signed or sealed them, and as his actual seal was of a different size, make and date (which last three articles were true). He was requested to point out the Bankers and time; and as to the forgery, it was asked whether admitting that I should have forged his hand and seal, how I had managed to forge the hands and seals of several eminent witnesses out of ten, still living, and still ready to depose for the truth of the whole Transaction, as it had been done in their houses and in their presences? M. Ives being appointed to the post of Lucknow, was succeeded by M. Burgess; and as the discussion had already lasted eight months, and two material witnesses, seventy years old, had died mean while; and one more was dying of a retention of urine, whilst another was going away; all which would disable me hereafter from verifying my right and from vindicating my character from the charge of forgery, which last exposed me to have both my hands chopt off; *I requested that the cause might be put an end to, or at least that the witnesses might be immediately heard, adding that I had already requested that favor several times, and that the request had been confounded and thrown by with numbers of other causes less urging: I added that the least delay might oblige me to quit the Country, and run away:* this was my request: the Judge got it explained by his Moonshy; but as the latter had taken care to indispose his Master's mind, the petition was torne in pieces, and myself threatned with a fine. I was not present; and God knows how the translator explained, and what commentary he did add. The cause therefore lasted about three years. The 1st April 1789 It was taken up again. The old man of Seventy-eight had survived his retention of urine; and as the money had been counted and the business transacted in his house, himself became an important witness; and his very Book-Keeper, with his bottler became, with a few others, important evidences Likewise.

at last a decree was given by which Abdollah was condemned to pay me nine hundred rupees : no mention was made of Interest ; although to conform myself to a strange reglement of the Court, which allows only one half of the interest, when the term exceeds nine years (a strange regulation indeed which allows only seven years and a half to one that has been fifteen years out of his money, whilst it allows full nine to him that has been only so much out of it) although I say, to conform myself to that rule, I asked only for six years and a half interest. I expostulated with the Moonshy, (and he is always the man who speaks for the master in the latter's presence) : his answer was, and his answers are always accompanied by a sneer, and by the most insolent haughtyness : *no interest can be allowed you, for he is but a poor man ; and you are both Musulmen, you know ; and the Musulman law allows of no interest.* (This was said with a sneer by a man who knew and assuredly that all Musulmen without exception, although so very scrupulous in not allowing the word interest to be inserted in their bonds, never fail to manage so as to secure at the least Twenty-five or fifty per Cent. when they lend money : all their transactions being so many of those contracts called Mohatra in Arabick, and also in all the southern languages of Europe). *Besides, added he, you have lent him the money without interest.* On this I turned to M. Burgess, and the Gentleman echoed the same answer, and turned his head to another side : so that fain I was to put up with that decision equally absurd and unjust. Is a judge then to be informed, that by the reglement of 1772 all bounds that do not contain an interest of at least 12 per Cent. are reputed illusory, and to contain the interest compounded with the Capital ? Now there were four bonds of the man : one which was of 125 rupees which latter money was lent him, interest free, for *one year*. Surely he that lends his money without interest for one year, does not oblige himself to go on lending it so, for fourteen. Again : the bond mentioned no interest, but it mentioned as well as the three others, a partnership of profits ; and what profits has this man given me these fourteen years, he who is known to have rode in a Carriage at Dehli, and to have come here with at least seven thousand rupees ? and at any rate, what is it to you, whether he be poor or rich ? Allow interest, as the
cause

cause points out, and leave me to take my chance for the payment. Do you give him these three hundred and fifty rupees as a reward for his black ingratitude, and his having forsworn himself twenty times over during the course of the cause? But this not all:

It is customary in the decree to give a summary account of the cause, and of the arguments on both sides, &c. &c. but here the Moonshy contented himself with only saying that the man having pretended that I had forgiven him at Lucknow the amount of these four bonds, *had failed in his proofs*. Now, the omission of the circumstance of his having accused me of forgery, and of his having been himself convicted of it, as well as of perjury, in the course of the proceedings, was intended with a view to hinder my making use of the decree itself as a voucher, in accusing the man in the Fodjdary or Criminal Court: where the law pronounced that a man in such and. Such circumstances ought to have both his hands chopt off; and as to the Court's delicacy about interest and its obstinately and absurdly as well as unjustly refusing to allow Interest, that is about four hundred and fifty rupees; people accounted for this strange particular likewise by saying, that the apparent intention was no other, than that of shutting that man's mouth, who having been made to spend full as much as that sum amongst the dependants of the Court, in full hopes that they would find means to bilk me out of my right, now found himself condemned to pay after all: for he threatened to reveal the whole affair unless they made good their promise; at least so is the common report: to get rid therefore of such a scandal, they made me lose upon my right a sum equal to what he had expended; and to make him still easier, they conferred a further favor upon him: It must be known that the man, although he had brought about Seven Thousand rupees, had been more than once heard to say that he would rather spend the whole in Court and go to prison, than give me one ana. In fact out of malice, and also for some other reasons, which shall be explained, he went to prison, where the allowance has always been of two rupees diet money per month, payable by the Creditor. But in the dearth of 1785, M. Ives having raised this allowance for a single man to two rupees and twelve anoes, although

Palenkin-bearers, porters, water-bearers and others, ever maintained and did then maintain themselves and families upon such an allowance or at most upon three rupees; and boat-men, upon a great deal less; nevertheless this Rate has remained ever since, although the reason for the innovation had ceased. But here, as the intention was on one hand to hush down Abdollah's complaints, and on the other to teize me into a dereliction of my right,—I was ordered to allow him five rupees and ten anoes, that is, as much as has any Canfamau in a middling English house.

And here, Sir, you may think the story is over: it is not; please to listen to some further particulars. The Navvab, and his two mothers, the people the most incapable in the world both from education and station, to understand the affairs of the world, and yet the most prone to meddle with, and to pronounce, on them, found their feelings concerned in behalf of the worthy man, who without producing any Voucher, or alledging one single reason for such a gift, perpetually rung in their ears and in the ears of the judge and his substitutes, that I had for given him the whole debt at Lucknow; and his way of proving it was, by producing a Mogol of Moorshoodabad, who had heard it affirmed at Patna by another Mogol, who had himself heard it from another Mogol of at Lucknow, which Mogol had also heard the matter from another; and what is strange, this Mogol of Moorshoodabad was a man in the Navab's service, who had obliged him to give his testimony: and in fact the Arabian's case, persecuted by a frenghee, was truly affecting; the worthy Arabian, prayed regularly five times a day, practised Pederasty once a week, fasted two supernumerary months, and always carried a Coran hung at his sash, with a Rosary eternally dangling from his hand: where is the Navvab, where is the Begum, who would not find their sensibility concerned in rescuing so worthy a personage from the relentless persecution of a passionate mericlefs man, who, being a Muselman himself, had sent a Muselman son of his to be brought up in England? In fact, they concerned themselves so effectually for him, that over and above several letters written to the judge, and over and above several negotiations set up with his substitutes, they explained

explained the Hadjee's hard case to the Moluvees, or doctors at Law that is, to the men always made use of as a Screen and a blind, whenever some glaring injustice is intended ; and these answered, *that as I had made him a present of the whole Debt as a charity ; and charity as well as alms given to necessitous people, as well as to pious foundation are always irrevocable, I could no more be received in my claim.* You are, Sir, surprised at the knavish turn the matter has taken, and think that its glaring absurdity would have discredited it : you may think so, but nevertheless it produced the very contrary : " the Judge observed to me that as I was a Musulman, as well as the defendant, and of course placed by the regulations of government under the Musulman Law of which he could not be either the Judge or expounder, he would be of course obliged to abide by the decision of those men, to whom that expounding had been committed by government." Is it not strange that no one all this while should have observed, that admitting the conclusion of the Moluvies to be true, still there remained to be proved first, " that I had forgiven the man his debt ; and secondly, that the application of the Law, was right." Such glaring partialities would have made a wiser man run mad ; and I answered angrily, but turning towards the Arabian (and the cause which had already lasted two years, and had been now at an end, was in consequence of this new turn, overset intirely, or at least, taking a new flight for two years more) I turned I say towards the man, and told him : *you have friends, I see, amongst the Moluvees ; and you chuse rather to spend my money amongst them, than to give it to your benefactor : well Sir, you may ; but you must go to Calcutta with me, and spend again ; for I appeal.*" A couple of days after, I recollect myself, and observed to the Judge, " that the sentence of the Moluvies was not the whole business : that I insisted on their producing the case, as presented to them, with the text of the law, that applied to it, and their reasons for appling it in that manner : all this under their Hands and Seals ; But that even after that, it would still be worth his most serious attention how he adopted oral hear say evidence against written positive one ; and how by setting at nought upon so slight a foundation, four bonds properly executed and authenticated, he came to give a mortal blow to all the paper-security in Bengal

“ Bengal, and to the Company’s rents in particular all over the country; which being only grounded on bounds consented to by the several lessees, would all be set aside upon the evidence of a couple of witnesses, which last he well knew might be had at any time in Bengal at two rupees a head.” Whether this representation made any effect or not, I cannot say; but a decree was given some months after, which allowed me neither interest nor profits during the fourteen years time in which I had so iniquitously been kept out of my money.

Four days after a constable came to ask me five rupees and ten anas for the prisoner’s diet, that is, a great deal more than is allowed to an Englishman at Calcutta, a country twice or thrice as dear as Moorshoodabad. I supplicated on that head, and was answered that the allowance being from two to seven rupees and eight anas, I had been condemned only to a middling one. Eight rupees to a prisoner convicted of perjury, of roguery, and of having defrauded his benefactor? And all that at a time when bearers, menial servants, constables &c. &c. get less than that sum, by one half, for themselves and families? Yes, Sir, a man native of this country, can, you know, fare luxuriously on that allowance; and what is more galling as well as ridiculous, such a man after having stayed two or three years in prison, on offering to regain his liberty by paying the sum he has been confined for, is not obliged to refund all the money he has been consuming of his creditor’s in prison: now as these people, like all mean souls, are addicted to revenge; and they are so extremely sedentary, that merchants and Bankers are known never to be from home but two or three times in a year; they do not therefore find themselves much the worse for some slight confinement: so that on coming out of it, they have the heart-felt pleasure of having reduced their creditor’s due by one full third or two; and I have known a man, who on receiving his full due, awarded by a decree, came in fact to receive only as much as he had spent on his prisoner in five years time; and this creditor is myself. Do not you think then that such a sedentary disposition of their’s, very naturally points out the remedy? Viz. to restrict these people within the original allowance of two rupees as heretofore, *for one year only*; after which, they should repay the amount of their

their diet money to their creditor with his capital, or go to work upon the highways, chained, until the amount of their work, at two anoes a day should amount to one quart, one half, one third, or to the full, of the sum due. For in all countries the law considers confinement as a punishment for the debtor's infidelity, or imprudence; and prisons and confinement, as they stand now, are no punishment at all; there being ways and means to elude them by day, and to gett rid of them, by night. Sensible then that the sum of nine hundred rupees capital which the Arabian had been condemned to pay, would be reduced to one half by his eighty rupees allowance in four or five years; and convinced that he was set at liberty twice a weeek in the night and would be allowed to run quiet loose, the moment I shouldt urn my back, to go and settle at Calcutta, (which shall be in three weeeks at farthest), I presente d a petition to the judge, seting forth, " that the man
 " to whom he had been pleased to allow so much money for diet, was
 " a malefactor, who having defrauded his master and benefactor
 " of his money for fourteen years together, at the end of which
 " he had accused him of perjury and forgery, now stood him-
 " self convicted of both crimes, and course adjudged to the punishment
 " stâted by law (chopping both hands); and that such a man of course
 " ought not to be rewarded by a remission of one half of his undoubted
 " debt, and by an allowance that enabled him to live luxuriously." The judge refused to receive the petetion, but offered to hear the intent of it, verbally, after which he continued the allowance. Finding how matters went; and sensible that on going to Calcutta I would be obliged to leave money for that man's diet and confinement, who nevertheless would assuredly be allowed to go abroad, I presented a petition by which I appealed to Calcutta: this was the 12th day after the decree: but my Agent having had the simplicity to shew the petition, before the court was open, the Moonshy Gholam Alli, that man who bears so high a sway in all judicial matters, (and in fact richly deserves it, were it but for the exemplary commiseration which he never fails to shew for all debtors,) told my man that this was a Fojdary day, that is a day consecrated to hearing criminal causes; but that he might come to-morrow; now that to-morrow Mr. Burgess having been out of order, for which reason there was no Court; and the
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third day, my man having been prevented by Constables, Peons and others, under a variety of pretences, from approachidg near enough to the judge; the matter was put off to the next day, which being a Sunday, and of course a day of no court, *the fifteen days allowed by law to prefer an appeal* came to expire; and I am now doomed, either to continue in my absence to Calcutta, an allowance of eighty rupees a year to a man who I am ceertain has chosen to go to prison on knowing thoroughly the necessities of my situation, and the many ressources of his protectors, and of course who will be let loose as soon as I have turned my head; or, to abandon from today my just debt; and this is the party I shall unavoidably take.

In England, if my memory serves me well, a man whom his Creditor refuses to support, gets his release on swearing that he his worth only his tools and wearing apparel to the amount of five pounds sterling; and if after that he be found to have secreted any part of his property above that amount, he his a djudged to be a felon. Here fifty rupees for tools and wearing apparel would be five times too much, notoriously toomuch: but what, if a man, so convicted, should be condemned to public works for life? what objections can people make to so rational a proposal? a very weighty one: this would accelerate payments, and curtail secret of Profits.

And now Sir, have you heard a complete scene of iniquity in all its Stages? But here is a great deal more; and believe me, the subject is not of a nature to be exhausted in several volumes in folio.

One Hingen was my Canfaman these ten years at Six Rupees per Month, besides his victuals; and I had made him at times present of a hundred Rupees, that is, as often as I returned from voyage. He had commenced to be in my service Sixteen years ago, when yet a boy, at one Rupee; and his ungratefull father had also died in my Service; But I ought to have remembered the Turkish and Persian proverb that *the son of a Wolf always turns out to be a wolf.*

In 1787 I sent him to Lucknow to sell some articles which lay heavy upon me, *and if convenient* to purchase others. The Goods he had, were three Sabres silver-mounted with their belts, that had been bespoke by me for seven guineas each in Europe; four fowling pieces, gilt, and three pairs of Pistols, gilt; with a thousand flint-stones; lastly, an Encyclopedical Dictionary in thirty three volumes in folio, gilt, &c. amongst which were thirteen volumes of plates. These last thirteen volumes together with all the arms, he sold to the Navvab of Lucknow for a thousand Rupees, for the amount of which sale he had no kind of Vouchers. His orders were with the product of the sale to purchase four girls from Sixteen to twenty five, tall and slender; and should he prove short of money for their clothes, charges &c. then he was to draw upon a person at Lucknow for a thousand Rupees more, due to me there: the surplus to be employed in coarse clothes, &c. &c. for the use of my Household. Nine months after he landed at Moorshoodabad in November 1787 just as I was stepping into my boat to go down to Calcutta. He had also brought twenty maunds Patna Rice at two rupees the maund, and five maunds ghee of Mongheer or butter at Eight rupees: articles which I knew by the actual price they bore at market, to be over-charged by fifty per Cent. nevertheless they were sent to the Zenana House, where being weighed, they proved short of weight by a full quart, and more over of a most villanious quality.—However as the object was small, and I thought him to be only a Silly ignorant young fellow, I made him only some reproaches, and ordered the four girls to be brought-up: these to my amazement were landed in one single dooly; and when I saw those two black children, and those two other women as small as children, very ugly, I exclaimed, and gave him a box on the ear: upon a visit, they proved deceased, all four: It appeared that, as he like a true Indian, was fond of small bodied things, and with all his countrymen set a high value upon the coal-black color, which they style the green, he had pleased himself in the purchase of two green girls, and also amused himself in the voyage. *How much have cost these four girls, you blockhead?* Sir, about Six hundred and fifty Rupees. *You must be a rogue; nor did my letters and instructions tell you to bring such stuff:*
they

they are worth about five Rupees a piece at Lucknow; and you know it by the many hundreds that were presented me at that price whilst we were there. But he had likewise brought two bales of coarse goods: these were not in his orders, since after paying for the girls, he had still a balance of four hundred rupees in hand, besides a hundred rupees more, which he had carried away from hence. On hearing the names of these goods, and their prices, I found they were shamelessly invoiced: however as I had no time to wrangle with him, I sent the bales, sealed as they were, to my house, and stepped into my boat; and the man having requested leave to see his family for a few days, was dismissed: these few days were stretched to the full amount of the two months I spent in my voyage; and in the sequel were discovered to have been employed in selling on his own account two other bales of goods which he had landed a day before at another quarter, and had conveyed to his house. He had received from me two Pions to assist him; and one of these he brought back, and lodged in his compound, having made a friend of him: the other having proved more unruly, and having also threatened to reveal all his practices to his master, was dismissed at Banarefs. As to the girls, they were sent to the Zenana-house, except one which was joined to the two Cook-maids which I was carrying down; and it was this girl, which put me first upon the way of inquiring into Hingen's conduct: this girl which was dissolute, and sought every pretence of being amongst the servants, happened to elope once at Calcutta, and to be caught upon the fact: she complained of such a hard usage, and, muttered that she was no Pimp's slave-girl, but "a married, woman, enticed away by her enemies and by "my Confaman." All these words I could not hear, being above stairs; and my things being actually going on board my boats after a fifty days-stay at Calcutta, I set out.

Arrived at Moorshoodabad I sent for Hingen, and in his presence and that of three persons more, which happened to be there, I broke open the seals of the two bales, and examined the contents: these proved still worse than I thought. Overcharges of fifty and seventy-five per Cent. became glaring, and occasioned much laughter, as well as much indignation. He had brought two accounts current, not signed: these

these after many representations on the absurdity of his refusing to authenticate them, were signed; and they were likewise signed and authenticated by four or five persons present. After this transaction, it was proposed to him to send to market directly seven pieces charged at four rupees each. He accompanied them, and could never find more than a rupee and eight annas for each, and this too at one single shop they having been rejected every where, as being very deceiving without, and very villanious within. This produced an altercation in the presence of the four witnesses; and I proposed his taking the goods for his own account directly, and his giving me the prime cost only, on condition that all the profits should be his own: for it is known that Tanda, Aliabad and Khair-abad goods, produce seldom less than sixty per Cent at Calcutta, and often as much as again as their own original value. To this he demured, observing that he was no real mercantile Agent, but only a common servant.—Answer: *well, Sir, and why did you then take your commission of five per Cent as a mercantile Agent, whilst you have at the same time charged upon me both your pay and diet &c. ? Then since you will not agree to that (and this is no more than my right) pick-up one or two pieces out of the five sorts you have brought, and let us both affix our hands and seals thereon, as on so many musters; and when this is done, we shall be able, by sending them to a couple of arbitrators, to determine their real prices.* The five pieces he picked-up, and acknowledged them for proper musters; but when urged to authenticate them for such by fixing his seal thereon, he tergiversed, and at last refused flatly. On failure of his hand and seal, we, the proprietor and four witness, put our's in his presence, with a label specifying the reason and occasion. When this was done he put ten rupees in my hands, as the ballance remaining in his custody. *Pray, why so, Sir? by your own account, the account current you have put in my hand, you owe me a ballance of ninety and odd rupees - - - - Sir, that is true, but wanting money for my family I have taken-up a year's salary before hand, and for that amount I will serve you. No Sir. How do you know that I am to keep you? Since you came from Lucnow, you behave like one who has boarded-up money enough, and little cares about a fix rupees salary and his board; you come only in the forenoon, and go away*

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three or four hours after. I want money myself at present : go and bring the ninety rupees you owe me. He went, and stayed in his house very unconcernedly. A fortnight after I filed a bill against him, payed eighty rupees commission and fees to Government, and repeated a balance of nine hundred and odd rupees from him. Government took up a full month to send summons ; and this interval furnished the man with time enough to secure the Peon's good will, whom he lodged in his compound, and to put out of the way his two bales and the remaining of some other property. Three months after, he gave in his answer ; and what singular, this answer, which was indecent to a degree, as containing personal reflections upon me, quite foreign to the subject in hand, was given by a man (Hingen himself) who acknowledged he could neither write or read, and had no visible Attorney. It is well known it was penned by Gholam Ally, private moonshy to Mr. Burgefs ; and equally known, that it was neither signed nor authenticated, although it is customary for either the man or his attorney, to do both. This piece as well as a subsequent one, contained neither a denial, nor an acknowledgement, of the balance required : therefore in my reply I insisted on his answering to the point ; and his answer was, that he had nothing further to say, and that the judge would determine the merits of the cause. All this took up a full fifteen months ; and I dropped any further pursuits, thoroughly sensible that there was no inclination to end the discussion ; and of this I had full proofs.

For as Hingen had brought for my account four girls from Lucknow, and not one sufficient voucher with them to ascertain their being slave girls, or even to ascertain their price ; and as one of them who had eloped at Calcutta, had eloped again on her return to Moorshoodahad ; and on her being caught again, had openly murmured, and resolutely said that she was a married woman, kidnapped by Hingen and by her enemies ; I had become tired of such pretensions ; and having put her in a Dooly, I had sent her to Hingen's lodgings (and this was a long time after I had filed a bill against him in the Civil Court), and I added this message, *that this girl being not a slave, and setting-up very high pretensions besides, he had better contrive to shut up her mouth.* But Hingen who by his connections with my servants

servants knewdayly what was going-on, thought it expedient to shut the door of his house; so that there being no one to receive her she was brought back to me: I sent her again with orders to deliver her to the Mahaldarnee, an old woman commissioned by government to report what happens in her quarter. But this Mahaldarnee happening to be a friend to Hingen, as living close to him, she would not take charge of her: at last she was sent to the Cutval or officer of the Police, who being already upon good terms with Hingen, would not receive her neither, without an order from M. Burgefs his only master, idest, without a nuzur of a few rupees from me. Finding then that the man had taken his precautions every where, I sent for the girl again, resolved to dismiss her, if she eloped again, and thereby to get rid of her pretentions; for I thought that the matter would end there; but Hingen was of another opinion. He posted to Qhadja-ahmed, (the omnipotent Qhadja-ahmed, who as private Secretary to M. Burgefs in the Criminal Court, bore as high a sway there, as his colleague Gholam-ally did in the Civil), and there he concerted matters with him how to make me feel his resentment his resentment, shall you say, in a Court of Criminal Justice! *How so? And what had you done? And where-is the crime of returning to Hingen at Moorshoodabad, a girl who protested her being a married woman, kidnapped by Hingen at Lucknow?* Indeed, Sir, you reason right: but there are ways and means of coming some how at people; and you shall see; for what had been done was not only lawfull, but also meritorious: how then to turn it into a crime, into an object of complaint, and that too in a Criminal Court? In a very easy manner, Sir: Qhoadja-ahmed worded the complaint, worded the judge's sentence, got it signed, put the Court's seal to it; and here is a transcript of it in English: *such a one, inhabitant of Mogol-tooly, quarter of Moorshoodabad, know, that Sheb-Hingen having layed a complaint that you had disturbed or attempted his character and honor (Qhalul boormut) you, should the complaint prove grounded, are to make him a sufficient reparation.* I was thunderstruck on seeing this vague order a full fortnight after the girl had been brought back to me; and I could not understand what could be meant by so loose an expression from a Court of Justice, where the complaint of the party and the order of the Judge, must of all necessity be
couched

couched in the most precise terms, as they cannot take cognisance of any, but these three articles: *assault and battery; house breaking and burning; robbery and murder.* Nor did the order point out the kind of satisfaction expected, nor did it even give any hint about it, so as to make me form some random guess about my crime. And indeed precision in terms had been carefully avoided, as the whole affair was only calculated to vex me, to drag me two or three times to Madapore, at ten miles from my lodgings, and to squeeze out a few rupees from me also, as they had already done from Hingen. Unable therefore to guess at the satisfaction expected from me, and his Excellency Hingen referring me to the judge, whenever he was sent for to be asked what he wanted, said I was to wait the issue of this affair; and indeed in a week after there came another order (and the very sight of the order, which they never leave with you, costs money) and this was in these terms: *some days ago on Sheb-Hingen's complaint that you had attempted his honor, you had been directed to make a proper satisfaction; and as you have not obeyed the said order, you are therefore to come Monday next to Madapore, there to answer the said complaint.* You will ask possibly why those people do not leave the order itself since you pay for it? And why they insist upon your taking only a Copy? the answer is easy and plain: it is this: as the Moonshies have the seals and the Registers in their own hands, and they make very often use of them to turn into soddary articles certain matters that have no connection with that Court, they therefore have it at all times in their power to produce such an order and such a register as suits them, should a peevish man carry the Copy to Calcutta, and be inclined to wrangle about it. But to return to our narrative, that day therefore I travelled to Madapore; and when my turn came, I was called-up; and here, Sir, you are going to think that on my standing-up on a line with Hingen, the latter, or his advocate made an eloquent speech on the heinousness of attempting a Cansaman's honor. No, Sir, you are mistaken: Hingen has no command of his tongue: he both stutters and stammers; nor had he any advocate or Attorney, as every one is obliged to do: Qhoad-ja-Ahmed spoke for him; and this interposition was worth twenty advocates, and a hundred arguments. This Gentleman pretended
absolutely

absolutely that returning to Hingen a slave girl brought by Hingen, but who strongly denied her being any man's slave, amounted to an attempt upon his honor or character, and required at least some reparation, idest, some rupees. *What reparation is to be made to him?* answered I, *and at how much do you rate the honor of a fellow to whom I have given these twelve years past two hundred boxes on the cheek, and a hundred kicks in the arse?* This answer having occasioned a general laughter, the judge, who hitherto had been silent, came forwards, "and said that this was no attempt upon any man's character " or clan; and that the Cutval, who had refused to take charge of the " girl, was highly blameable." Here certainly the judge was in the right way; and nothing remained now but to chastise Hingen for so gross an imposition on the Court, and for his presuming, under a false complaint, to drag to Madapore a man so far above him; whilst himself actually lay under the heavy charge of having kidnapped and sold for slave, a woman who protested her being a married one: there remained nothing more, I say, than to inflict a severe punishment upon him, or at least to investigate the girl's pretensions to the bottom. I made a request of it. This request was answered by a smile, and *the matter ended there.* Hingen shewed four papers which he pretended were the judge's Certificates, that attested that girl to be a slave girl, as well as the three others; but no body took them in hand to look at them, nor has he given them to me to this day; So that the girl having eloped a fourth time, and been caught again, I dismissed her. But this is not all: one of the three girls, happens likewise to be a married woman: the husband, a trooper, and of course a gentleman according the notions received all over Hindostan, having been commanded with his corps on an expedition which lasted several months, without his having all the while sent any supplies to his family, which was suffering hardships in that year of scarcity; the elder wife, with her mother, combined to sell this second wife: under pretence therefore of being sent to look at another house which they pretended to exchange for their presented lodgings, she was put in a close Dooly or chair, and conveyed away to Hingen; and what is very mortifying, this woman, who is a modest well behaved one, never knew of her fate, but when in the boat; and never uttered

a word of all that, but after having been a whole year in my house ; nor is there obtaining a redress of so great an injustice, to the woman and to me : Hingen has plenty of money ; he has made friends of Qhoadja-Ahmed, who sways the Criminal court, and of gholam Ally, who does every thing the Civil one ; he can find twenty Gunga-jull or Coran-witnesses at two rupees a head, and will infallibly prove that both the girl and I are in the wrong : he will infallibly, unless I chuse to counteract his batteries by producing an equal number of Coran and Gunga-jull evidences, and I become as liberal of my money as he is of that of others.

Badly as had ended this affair, I thought it a good opportunity to represent to the judge “ how hard it was for me to be made this long “ while a watchman to the two bales for which Hingen had been complained against in the Civil Court, and which he had refused either “ to take back, or to invoice less infamously.” But this request also was not taken notice of in any other manner than by a smile and by an inclination of the head. Nevertheless, thinking that even the harmless censure he had passed on Hingen, might answer some purpose, I presented another Petition in a week after, “ setting forth, what I had “ already represented some, months ago, to wit, the necessity of appointing people to assert in the presence of Hingen and of some “ merchants, the genuineness of the musters which he had himself picked up, but without being ever prevailed upon to put his seal-to : this “ necessity was insisted upon, as such a proceeding, by once ascertaining “ the quality and of course the price of those five sorts of coarse “ goods, would put it in my power to sell the remainder, or to convert it to my use.” No answer. Finding therefore that the man was so strongly supported, I gave-up my pretention, and for several months neglected it entirely : but mean while a report having gone forth that I was going to Calcutta, to settle there, Hingen who saw that I would drop the prosecution and carry away his invoice and also his three receipts each for two thousand five hundred rupees, as well as my other Vouchers ; of his own motion thought proper to bring his case forwards : for he has an unbounded influence. After a neglect of so many months, I was summoned before the judge. The two parties were

were sent for and stood together before the Judge: and here, Sir, you will infallibly think that the judge took my first bill in hand, and put questions to the defendant about the three heinous charges I had brought against him. Not a word; although I repeated them, and insisted that this was the only subject of discussion: instead of that, the judge stood motionless, and a Moonshy Qhoadja-Ahmed, a Cashmirian (and this word in Hindostan says every thing, for *Cashmiry* and *Bipiry*, are proverbial as well as synonymous terms all over that continent) a Moonshy Qhoadja-Ahmed, a mighty personage, of which mention shall be made hereafter; a man who belonged only to the Criminal Court, but who had the privilege to speak also in the Civil one; Moonshy Qhoadja-Ahmed snuffled through the nose these mighty words "we are restricted to forms by our instructions from Calcutta, and must restrict you also to forms. You say Hingen owes you a ballance of nine hundred rupees *baky beffab*; this is a mercantile word used only amongst merchants, and neither is he a Gomastha or mercantile Agent, nor are you a merchant: on the other hand he denies he owes you any ballance, and you bring no witness to prove it." Sir, have you read my first bill against the Consaman, "and have you attended to the three charges" Against him? We have nothing to do with those charges: they are your charges. The man denies his owing you any thing, and you have no witnesses; nor do you make it out how he owes you: he has delivered you the goods you had ordered him to purchase, given you an invoice under his hand and seal; and the matter ends there." No, Sir, it only begins; for remains now to know whether the four girls are worth five rupees a piece, or one hundred and sixty-five; and whether the goods charged at two thousand rupees, are really worth that sum, or only nine hundred; and this cannot be determined but by inspection. "Well, we shall send for the goods and the Mookim, and he shall fix their prices." No, Sir, the Mookim is too low a man for that purpose: five rupees will make him say and unsay any thing. Let the Judge appoint Arbitrators of wealth and knowledge, and they will in two days time clear that matter to the Court's satisfaction. For it cannot be expected that the Judge will send for four hundred and eighty pieces of coarse goods before his tribunal, and sort and

C

" price

" price them." " And suppose that the judge should sent for them,
 " interrupted Moonshy Gholam-Ally, how would you manage?
 " For Hingen says that you have converted the greatest part of
 " them to your use." " Sir, as the house where they are, leaks, and
 " so does likewise the Banglaw in which I live, numbers in such a long
 " space of time have been damaged by rain and by mice, notwithstanding
 " all my care; and these, luckily for the man, have been converted
 " to my use, although not all: but suppose I have converted the whole
 " of the four hundred and eighty pieces to my use, still are there
 " five pieces picked-up by himself, as musters; and although he has re-
 " fused to fix his hand and seal to them, as such, five men have done it
 " in his presence; whereas two were enough." " Yes, five of your
 " friends." " You expect then, Sir, that I should have sent for
 " five of my enemies, and that those enemies should have had
 " the complaisance to come? You expect that I should have turned
 " away for them five acquaintances ready at hand, and who wit-
 " nessed both that those five pieces were musters picked-up by
 " Hingen, and also that he refused to put his seal and name to
 " them? You are then inclined, Sir, to give your belief rather
 " to a Cansaman than to me, and rather to a defendant of a low
 " station, than to four independent unconcerned men of some rank
 " that chance to be present?" This was repeating what had
 been said and repeated over and over; I insisted that two such ar-
 ticles could only be ascertained by Arbitrators: and having then
 in my hands a small memorandum I struck it upon the table, and
 uttered the following words: to wit: "*this Sir, is the whole business*
and the only method, and no other." Here the Judge, who had
 been hitherto speechless, observed, that I was accusing the Court of
 Infidelity and absurdity for all this while, it was his Moon-
 shies or Secretaries Ahmed, and Gholam-Ally that managed the
 the dialogue singly or together: here I say the Judge came for-
 wards; and, to my surprise after the censure passed upon me,
 he looked at Hingen, and said. " You are not liberated, as you
 " pretended: you have no release from your master; nor have
 " you a receipt of those goods: as to the girls, I will not hear of
 " them: the English laws will not admit of any slaves:" (hear
 ye

ye people: is there a single family in Bengal that has not slaves or bound boys and girls? And has not the promulgation of that English tenet caused in the years 1787, 88, and 89, the death of three hundred thousands boys and girls that have died of famine in Bengal, or have been devoured by jackalls and devoured alive and half a live in the streets of Dacca, Silhet, Moorshoodabad, and Calcutta?) the "English laws will not admit of slave girls; and none but
 "pimps can bring, or can hear such causes in a Court of justice:
 "as to the goods, they must be priced: I cannot send for such a quantity of goods in Court; nor am I a Judge of their qualities and values. Do you then find two Arbitrators: your adversary shall find as
 "many more, and the price will be settled amongst them." On this glimpse of equity I requested the judge to appoint the arbitrators:
 "I cannot force any one, answered the judge; do you apply to two
 "proper men, and when they shall have consented, I shall write to
 "them."

With such a flattering prospect before me, I posted to Saydabad, a Suburb where live the Armenians, at full eight miles from the quarter where I live myself; and I applied to two men amongst them, eminent for wealth as well as character: these were Aga Elias, whom I had never seen or wrote to; and Aga Cachic, in whose house I had been but four times in eighteen years sojourn at Moorshoodabad; the latter said with a laugh: "pray were have you been all this while
 "whilst your two bales were suffering from two rainy seasons? Such
 "goods must have lost twenty five percent already, even if they be not
 "damaged." I Answered that I was as fully sensible of that as himself, and that I had in vain applied to the judge for more dispatch. Then said Cachick, we must make the best of what we can: I have at home thirty five thousand Rupees worth of the same goods, partly bought here, and partly bought at Luckow; and I shall send musters of both to the judge with the prices, so that he shall have no more to do than compare mine with your's. Aga Elias accepted the office of arbitrator, said that it was always a meritorious piece of work, although it sometimes occasioned discontents and enmities, but insisted for his own safety on five conditions: to wit, "that the arbitrators

“ chosen by the adverse party should be men of some property (the
 “ two Armenians may be worth four or five Lacks each): that in
 “ case of a diversity of opinion, a plurality of voices, or an umpire
 “ named by them, should determine the case: that the cause
 “ should be decided within fifteen days: that the two parties should
 “ put in the hands of the arbitrators penalty-bonds to the double
 “ amount of the Sum contented: lastly that the party failing to ap-
 “ pear or to Answer at any one meeting, should lose his cause ipso-
 “ facto.”

All this having been done in two days, the third I presented the
 required conditions, and I observed that I was neither an Armenian
 nor in connection with Armenians, and knew but slightly one of
 the arbitrators, and not at all the other. The judge gave orders to
 Hingen to produce his arbitrators; and on my repeating my request
 five days, and ten days after, he threatened to set Pions or Constables
 upon him. At last a month elapsed, and I Petitioned again in Hingen's
 presence. Here the judge changed at once his style. Hingen kneeled and
 sayd: *he wants to undo and ruin me: I will not have any arbitrators: let the*
judge determine our different. I cannot force arbitrators upon the parties,
 sayd the judge, but upon matters not exceeding two hundred Rupees:
 in matters above that Sum, I cannot, unless the parties themselves
 request the medium of an arbitration. But, how replied I, is this affair
 to be determined at last? for the question being, whether Hingen owes
 me a ballance of nine hundred and odd Rupees, or only one of ninety
 two, as bears his Account Current, this ballance cannot be ascertained
 but by an inspection of the goods, and of course by arbitrators. I have
 nothing to say to that, Answered the judge: agree together, if you
 can: and on saying so much, he called for another cause.

Four days after I was sent the following paper, of which I
 give both the original and translation. Gholam-Ally, Secretary
 to the Judge, and Advocate to Hingen, had been two whole days
 busy with his two mates about it; and it was regarded as so victo-
 rious a piece of argument, that Hingen said publicly that it would
 do my business effectually. And shall any one after that, believe

that

that the reasoning within had been answered and repeated twenty times over and over during the twenty months past, and especially in the very answer given in writing to Hingen sixteen months ago? and shall any one believe that the whole is nothing but a Bengallie writing, that is a piece fraught with blunder, and petition of principle? shall it be believed that these Bengallies, these men so shrewd and so cunning in their dealings, turn out so many blockheads when they put pen to paper, and totally mistake the point in case? Let the reader judge himself; only he must observe that it being the custom that a suitor or his Attorney should sign all papers given in Court; and having always signed and also dated my own, Hingen's three answers had been constantly without either date or name, as was this paper likewise, although my agent observed that as they layed so much stress upon it, it became necessary that it should be so authenticated, as to put it out of any man's power to alter it hereafter. Not only Gholam Ally was very angry at such a hint, but the judge himself, although a man of temper, seemed to have lost his own on this occasion. After this little preamble here is a translate of that mighty paper.

REQUEST FIRST.

Such a one has layed a complaint against Hingen for a ballance of accounts. It is necessary to look at that account, that it may be known in which and what have so many differences arisen between the account given by Hingen and that cast by such a one. Will the Plaintiff give that account or not?

ANSWER.

" These questions have already
 " been put twenty times in the
 " course of this cause, and they
 " have been as often Answered:
 " and at any rate they are fully
 " answered in the three Papers
 " that have been given in Court
 " by the Plaintiff. Nor are these
 " questions put but by chicanne
 " joined to a want of intellects.
 " suppose I tell you that there is
 " an overcharge of a hundred and
 " two rupees upon the soofees; and
 " of two hundred and forty eight
 " more upon the Ghezinass; and
 " of

REQUEST

" of three hundred and four upon
 " the Ghezies &c. &c. how are
 " you to ascertain whether the
 " assertion is true or not? Un-
 " doubtedly, by inspecting the
 " goods themselves, and com-
 " paring them with the market
 " prices. Now this is out of
 " your power; you confess it:
 " therefore arbitrators must do it
 " for you: Now you have told
 " me fifty times over that Hingen
 " will not submit to arbitration.

REQUEST SECOND. ANSWER SECOND.

Hingen says that he has given
 to the Plaintiff whatever goods he
 had purchased, and that he has
 delivered an account of them. If
 the Plaintiff be not satisfied with
 it, let him return them to me as
 borne in my account Sealed. I
 will give a security for them, take
 them away and sell them, and re-
 turn their value to the Plaintiff
 taking all the loss upon me. Is
 the Plaintiff consenting to this or
 not?

" That Hingen should propose
 " to day after twenty months to
 " retake goods, which he has
 " obstinately refused at the very
 " time of opening the bales, is ex-
 " travagant and shocking. Some
 " of them, like the rice and ghee
 " and oil, are perishable goods,
 " and although exceedingly de-
 " fective in weight and quality,
 " they were sent in his presence to
 " the pantry; being hardly worth
 " thirty rupees: some of them have
 " never been received, for instance
 " the Atter charged at one hun-
 " dred and sixty rupees. Some of
 " them like the bootudars have
 " been put in his hands for sale in
 " the presence of witnesses, and he
 " acknowledged in their presence,
 " that no one bid so much as
 " one

PROPOSAL

" one half of the value charged :
 " some of them in a house and
 " Banglaw not calculated for
 " merchandising, have been re-
 " peatedly damaged by rats, and
 " by the rain, and moisture, and
 " finally consumed by me. But
 " still these amount only to Se-
 " venty pieces of the five sorts :
 " there remain still three hundred
 " and eighty more, and they have
 " been offered to him in Court
 " twenty times. He may receive
 " them even now : but not as he
 " pretends, by giving a security
 " for the payment. He must
 " pay compleatly and take imme-
 " diately the goods away ; else,
 " this cause which was of a na-
 " ture to be determined in a few
 " days, having been protracted
 " to twenty months, would be
 " protracted to twenty more at
 " the very moment it looks like
 " one ended. Hingen will take
 " the goods, sell them, disappear
 " with the value, and leave his
 " security behind ; which being
 " unwilling to pay, shall go to
 " the jail, where I shall be oblig-
 " ed to allow him seventy-two
 " rupees a year, if not more,
 " and where he shall be allowed
 " to go about his affairs even in
 " the dusk of the evening as is
 " done by Hadjee Abdollah and
 " by

PROPOSALS

“ by so many others, notorious.
 “ ly : But admitting that Hin-
 “ gen should consent to pay
 “ ready money for goods, so
 “ taken away, he must also pay
 “ three years interest, and also
 “ Warehouse room for twenty
 “ months : moreover he must al-
 “ so take the girls, back ; and the
 “ Judge has more than once de-
 “ clared he would not hear of
 “ them ; nor does Hingen in his
 “ three proposals mention any
 “ thing more than goods under
 “ seal.

PROPOSAL THIRD.

Has the Plaintiff any witness or not that Hingen has acknowledged the ballance claimed ? If he has, can he bring evidence of it or not ?

ANSWER THIRD.

“ The villany and absurdity
 “ that reigns throughout the
 “ two foregoing questions, are
 “ blazing out in the third : had
 “ Hingen acknowledged any bal-
 “ lance as due to me, why should
 “ I have applied to a Court of
 “ justice ? Witnesses of the bal-
 “ lance I have to the number of
 “ three hundred and eighty.
 “ Ask any merchant of character
 “ whether the case admits of any
 “ others ?”

These answers were no more novel than the questions : they had been repeated twenty times over : but the latter having been set in writing now, and my agent having declared that reasons refuted already so often, should have no answer, unless they were signed so as to serve as Vouchers, the Moonshy Gholam-Ally,

(ant)

(and hitherto it was he that managed the controversy both as Hingen's advocate, and the judge's speaker,) Gholam-Ally became angry; and secure under of the safe guard of office and station, he forgot himself so far as to attempt to frighten my agent by haughty and imperious, as well as clownish and indecent language: this produced the letter herewith from me, who now saw that matters had become personal; and that the judge with his people being too far advanced to recede, payed but little attention to the slackness, variations and partiality of the proceedings. So much machinery to teize me out of my demand, and to frighten my agent into a crouching silence, was likewise intended to answer another purpose: Hingen six year ago had been my Agent at Ferohabad, whither I had sent him from Lucknow nine bales of Raw silk which he had sold wretchedly, and for which he had brought returns in chintz which Mr. Philip da Cruz rated only at the market price of Calcutta, that is at full one half of the price charged. Hitherto I had overlooked all that loss, as owing totally to Hingen's unacquaintance with mercantile concerns; but finding now by his second trip to Lucknow and his management at Moorhoodabad, that he was an adept in all the arts of Agency, I had wrote to his broker at Feroha-bad and also to the persons he had sold to there or purchased from, and had procured such a body of well-attested evidence, as evinced irrefragably that in the silk transaction he had made away with five thousand rupees at least; and Hingen or rather his all, Gholam-Ally, having heard of this new incident, wanted so far to teize and tire me, as to render me sick of even the old prosecution, so far from having the heart to commence a new one. And this is the key to that whole affair. Here is the letter in question.

To

To E D W A R D B U R G E S, Esq.

MAGISTRATE AT MOORSHOODABAD,

This Seventh May 1789.

S I R,

I HAD taken a firm resolution never to trouble you with an address: but the scene that has happened yesterday between your Moonshy and Mirza Yar-Ally, my Attorney, renders one, necessary; the more so, as it shall be the last of any kind whatever; and my subsequent silence in both my law-suits might be misinterpreted,

The general opinion was that my complaint against Set-Aga the Armenian for a forcible entry in a house of mine, and for detaining it by force full eighteen months, might have been put an end to on the 14th November last, when a decree was given against him, by which he was condemned to pay *only* the value of the house, without a variety of charges that sunk the amount to a full third: but as neither interest was allowed on the principal, nor house-rent on the detained house, I was reluctantly and as Attorney for another, obliged to institute a new suit for the latter; and a bill was filed accordingly four days after that date. The defendant having thought proper to neglect answering five repeated Summonses thereon during six long months, and always with impunity, I find that whoever can so often set the Magistrate at defiance, is too big a man to be contended with; and therefore I give up that pretention intirely; but I give up also another.

The roguery and ingratitude of Hingen, my Consaman, would have excited, it was thought, a general indignation: for I have fifteen months ago brought three heavy charges against him, and they have to this day remained unanswered; two subsequent Petitions which I have forwarded to represent how hard it was that I, his master, should be oblige all this while to act as a watchman to
the

the two bales he had refused to take back, have remained untended-to. One would think that a man who has been so long without answering, is condemned by his very silence; especially after having answered his master's reproaches for his having retained and kept in his hands a whole year's pay before hand, with only these words: *let me be sent for, and do duty for full as much time.*

Instead of an answer from him, I find that he has it in his power, not only to remain silent, but also to reject the magistrate's strict injunctions for finding Arbitrators, in a cause which it is impossible to determine without their interference. What to think of a man who does all that with impunity, and betrays the most odious dread of Arbitrators? And that too where his master, tired with his endless tergiversations, proposes that expedient, as the only one possible? That man therefore, Sir, is, I find it to my cost, full as strong against me as the Armenian; and he, as well as the other, avails himself of the absolute necessity I am under of going to Calcutta in three weeks at furthest, in order to fly from a land where neither property nor person are safe. Fain I am therefore, Sir, to abandon my pretensions upon him, and to relinquish that suit also, that is, to trouble this Court no more on that subject.

But I have, Sir, another very strong and still more disagreeable reason for relinquishing my pretensions: Sheh-Gholam-Ally, your private Moonshy, (who as such, I conceive ought not to have a single word to utter in public judicial matters) is perpetually intruding in behalf of Hingen, not only with the inordinate heat of an impassionate advocate, and the peevish imperiousness of a detected judge, but he forgets himself so far, as to use a language which no man to this day has used with his menial servant. *Hold thy tongue*, said he, some days ago to my Agent, a young man of high descent and a much better moonshy then himself; and yesterday he added; *may he eat thy head*; speaking of me; and both times, in full court: an unparalleled insolence this, and which could have no other intent than that of brow-beating others, and under the safe guard of station, of trampling with impunity upon every rule of decorum.

As I have had my full share of some such or similer language, and of course will expose myself no more to a like scene; and my Agent refuses to go any more into Court; whilst some others that have been applied-to, seem to be intimidated, and alledge very strange reasons for their refusal; and as I find that Hingen is in possession of acting just as does Set-Aga, I relenquish also my pretensions upon him that is, I will give this Court no more trouble on that head. But as I have these six months joined a Society of men in Moorshoodabad who have sworn never to be evidences, or Arbitrators, or plaintiffs in any case whatsoever; and on that account I chance to be defendant in Mia-Nufrut's case; and of course have it not in my power to withdraw my pretensions, I have prevailed on my Agent to attend at the appointed day, and even to read a defence, if insisted upon, but not to utter a single word besides; as his business shall be only to receive with respect the decree which the magistrate is to give thereon, and mine to comply dutifully with all its injunctions: nor are few hundred rupees so great a sacrifice for a man who has already renounced two or three thousand.

I am,

S I R,

With due Respect,

(Signed) . . .

After having finished this disagreeable narrative, I thought it was over; but having had occasion to go abroad immediately, I chanced to meet a certain Beenot Mandjee, who used these ten years to make me a profound bow whenever he saw me, and now thinks he has a right not only to neglect that piece of regard, but also to shew his fearlessness and contempt. But in one sense, I am glad to have meet him, as his person and behaviour have reminded me of his story, which is really curious.

[This Beenot Mandjee, is a man of some property, having several
(small

small boats of his own, and renting from Government a field of three or four scores of bigas of land. As he had heretofore employed himself in carrying bricks by land as well as water, and I was actually building a house at Moorshoodabad, he came amongst other undertakers to me, and we agreed in writing that he should carry from the kiln at Saydabad down to the wharf in Mogol-tooly one lack of English bricks at eighteen annas the thousand within one month from the date of his bond, in which he obliged himself into penalty of a hundred rupees should he fail in performing his part. Instead of that, he had only brought five thousand bricks within forty days. The reason was that having hitherto gained himself three annas in the thousand by employing other carriers, he had now found himself disappointed by one half, in consequence of the profits which the carriers made much nearer by carrying down the river bricks for the Hospital of Behrampoor on the proposals that had been published since our having contracted together. Moreover he pretended to have lost a thousand bricks, and this too at a time (in March) when there is no water enough in the river to lose either a boat or a brick, and when he acknowledged that he had recovered his boat out of the water. Such a conduct having forced me into some disadvantageous contracts with some brick-makers of Moorshoodabad, to supply the place of those large ones I could no more get; and finding likewise that he had formed a combination amongst the few boatmen then plying in the river for augmenting the carriage of bricks by fifty per Cent; I therefore layed a complaint against him, and produced the man's bond about three months after its date. One would think that the case was so plain as to admit of no discussion: and so seemed to think the Magistrate himself, who always thinks and speaks right, in the first instance, but whose Moonshy always carries his point, nevertheless. This man (and it was Qhoadja-Ahmed the Cashmirian) happening to be present, objected to the penalty On what grounds, in the name of common sense? On this, (here are these golden words), "on this, that none but Government having a right to inflict penalties, none but Government had a right to exact any; and of course, that the pretension I had set up was an insolent encroachment upon
" the

"the right of sovereignty." At last however; (and this affair which ought to have been determined instantly, as I was actually building, and the rainy season commenced, took up a whole month), a Summons was sent the man: he pleaded poverty, and at last gave a Security for the money, are you going to say, No: for only his appearance; he appeared, but had already arranged so well his affairs that his bond was never thought of for several months together. At last, and this was in four months more, the affair was referred to Mohon-Baboo, as Arbitrator, a Gentleman who lived close to Moydapore. One would have thought (since an Arbitrator was absolutely thought necessary, in a point that contained nothing doubtful), that it would have been more proper to name some person within the city and of course within reach of both parties. But, no; the intent was to have an Arbitrator which they could overawe; and likewise to tire me with eternal trips of ten miles in length to that distant village. Be it as it may, Mohon-Baboo after having alternately spoke to both parties, and made the boatman acknowledge that he ought to refund the money with interest and to make good the pretended loss of a thousand bricks, demured on the penalty of one hundred rupees; to which I answered, that the man by not fulfilling his Contract, whilst I was actually raising a building that admitted of no delay, had forced me into disadvantageous bargains with some brick-merchants of the city, who observing how weak I proved even with a boatman, had taken my money, and set me at defiance; so that instead of one law suit, I had now twenty. Moreover, to bring the purchased English bricks from Saydabad at a time when the rains having already set in, afforded full employment to all boats, and rendered boat-hire for bricks impracticable, I had bought a large boat at one hundred rupees, spent a hundred rupees more upon her, and having at last brought my bricks, with that boat which henceforward became useless, I found out that the bricks bought by me at five rupees the thousand, now stood to me, rendered upon the building at full eleven rupees: all that was easily made out; and after three months more attendance on the Arbitrator, who by the by had a vast deal of business of his own, being a lessee of three lacks worth of ground, I thought

that

that the matter was going to be put and end to; when I found that at every appointed meeting the boatman was sure of being absent, whilst his agent was as sure to have some excuse: tired therefore with an attendance to which I saw no end; and where the arbitrator was unwilling or did not dare to cast the defaulter, I listened to my fate and attended no more.

This, Sir, (and I dare say you are tired of so long a narrative), is what has happened to me in the Civil Court of Moorsheedabad: what has happened to others may afford a vast fund for reflexions and animadversions, but is no business of mine. However after such an account of my adventures in the Civil Court, do you not feel some curiosity about what happens in the fodjdary or Criminal one? Indeed, Sir, I am sorry to have it in my power to satisfy your curiosity; but unfortunately I have it, and in an ample manner.

This criminal Court is presided by Mahmed-Reza-Khan, alias Muzaffer-Djung; and is restricted to three kinds of cases and their dependencies and accidents: Murder and assault and battery: theft house-breaking and house-burning: Robbery on the high way. That nobleman is assisted by a number of Moluvies or Doctors at Law, who on the case being proposed them, point out and expound the text of the Law to which it may be referred. Such a trust requires such high salaries, as would secure honesty against temptation; and they have in general from fifty to a hundred Rupees per month and spend twice as much: such a fund of knowledge as would secure from mistakes; and these people never read and never travel; and such a fund of independence in their thoughts and conduct as should insure integrity at least, if not abilities and knowledge; and they are as crouching as Indians are fated to be, and as dependent as any other servants: In one word, (and I appeal for this assertion to any man who knows something of this country in general, and of Moorsheedabad in particular,) they will say and unsay any thing either through fear, or for the smallest bribe, one rupee for instance or four anoes; and of this I shall leave you the judge, as soon as you have heard three or four stories of mine, for which again I refer to records, wretched

as they are, and of all necessity, must be; and who is the man of knowledge that will deny their being liable through inattention and carelessness as well as through wilful omissions and interpolations, to every kind of mistake and imposition? It must be observed that every complaint in the first instance must be made to the English Magistrate, who only can send for the parties, and who refers such suits as he sees fit, to Mahmed-Rezz-Qhan, reserving to himself some others; and strange things are said of these references, doubtless by ill intentioned malicious people.

In the year 1782 or 3, there happened a considerable theft in my house at Moorshoodabad. A bag of four hundred rupees, with some articles of silk, malmal, &c. disappeared in the middle of the night from a chest of mine, of which Zoravur, my Consaman, had the key; and which was found totally uninjured; and what is singular, said he, without the key having ever been out of his custody. The whole may have amounted to above twelve hundred rupees. The man was then twelve years in my service, had been raised from three rupces to six per month, with victuals board and clothes, had served me ably and faithfully, and had been several times gratified with sums of money and several emoluments which had put him at the head of a fortune of two thousand rupees. He had married the daughter of one of my dependants, and had been complimented with a maid of mine, for which it had appeared he had taken a liking. A theft of such a magnitude ought to have brought the Cutval or officer of Police immediately to the spot: instead of that three days consecutive notices and prayers could not make him move. His plea was the general one assumed by all Cutvals under the English Government, to wit, that he could not move, but by express order from Madapore, a village at ten miles distance where resides the English Gentleman at the head of the Fodjdary office. (Good God! Whilst scelerates are breaking open my door, plundering my house, and ravishing my daughter, I must run to Madapore at ten miles distance for aids, for help, and for orders to the Officer of the Police)! finding then that the man would not move without orders, ideest, without a present; (and of these matters I then knew nothing) I applied to

a friend of his (Mollah-Mahmed) ; so that he came at last at about ten in the morning on the third day. he was a shrewed man, as are or ought to be, all Cutvals ; and he first of all cast a general look round on every object in that little house, (this part served for mercantile purposes), inquired about it's use ; and then turning to my Cansoman, whose hand he struck in seizing-it : " my friend, " said he, none but a man of the house can have committed such " a theft, and this man is you. Believe me, return me all that " money, and I shall engage your master to make no noise about " the matter."

These words thunderstruck the man ; but I took his party, made remarks upon his fidelity, upon the weakness of the door, the broken lock, some slight marks of violence on the chest, and the appearance of some filing on the top of the chest-lock ; and I concluded that the " theft must have been done by some stranger, by a thief or a robber. " Yes, Sir, replied the Cutval, a thief would have come alone in such a " house as this, without leaving a guard within and without, the door ! " he would have come without a couple of resolute fellows to defend " him ; and these men, instead of cutting open with one stroke of a " sabre these two bales of malmals, which I see only in tabta ; (a " kind of woden frame, where goods are only piled-up to settle) in- " stead of running away with the contents, full worth two thousand " Rupees ; instead of doing so much execution in a twinkle ; these men " would have lost their time in running wedges into a chest, of the " contents of which they could know nothing at all ; and which " besides would have highly exposed them by the report of the " strokes of the hammer. Your man, I tell you, Sir : your man : " let me carry him away, and I take your money upon myself." this I refused, thinking he only wanted to extort confessions from him ; and the matter remained there for a whole month and a half ; in which interval I sent him to Calcutta to execute a commission in that city ; but here the man having had the imprudence to mention the theft to M. Philip da Cruz, my worthy friend and correspondent, to whom he acknowledged he had always kept the key of that

strong chest, the lock, of which remained untouched, the latter openly charged him with the theft, and warned me of it.

Mean while some disputes having happened in a house adjoining, where slept some of the waiting maids belonging to me; and one of them finding herself ill-used by the others, she drew me aside, and informed me, that Zoravur having fallen in love with one of them (who had given herself up to his management), he had been these six months stealing an infinity of articles out of the mercantile house and else where, and lodging them abroad in his own; and that he had also stolen the bag of four hundred rupees, which had remained for a whole month within the zenana-house with that favorite of his, to disappoint searches made abroad; from whence it had been carried to his home before his departure for Calcutta, and buried with some other articles; and that as soon as he should come back, the two lovers with two girls more, would elope to where? Strange to say? To the middle of the city, where they knew they would be out of the circle of my searches, and out of the verge of my enquires.

This intelligence was so circumstantial in its particulars, and so rational and consistent in all its parts, and it was delivered with so much ingenuous simplicity, that it struck me; especially as it afforded me a key to a variety of events which I had seen, but not attended-to, and which now seemed to fall properly within the ranks of the circumstances disclosed by the girl, and to make a coherent whole with them. The only thing to be done now, was to repair immediately to his lodgings, and to make a search; but as this could not be done without a warrant, the secret of which would have been instantly sold to him or to his friends, I thought it better to file a bill. The man was arrested, and confined; and for several months he underwent a variety of interrogatories; and at last his case was put to this issue, to wit, that he should shew how a robber could take such a bag of money out of the chest, whilst he, the Cansaman, had the key in his pocket; and this being agreed-to, here is how he proceeded in his proofs.

He

He came to my house with an officer of the Court, (a Nāib or Deputy of Sēyd-Mahmed-Qhan, the real Nāib of Mahmed-Reza-Qhan's), and having called for the chest, the contents of which he all recollected, as he knew them better than I could, he requested me to place a bag of four hundred rupees at the middle of that corner, over which he placed a bundle containing eighteen Djamas, and over them, two Pāydjamas; and underneath the bag, two other bundles of clothes. This done he informed the officer that such had been the situation of things the day of the robbery, and then proceeded as follows:

With a hammer which he had in hand he thrust between the lid and the chest a small wedge which he pushed towards the lock by dint of blows, and then another larger, and then another; by which means he procured an opening large enough to thrust two fingers of each hand within the chest, and with these he contrived to bring out of it the three Pāydjamas, then to open the bundle, and then to extract the seventeen jamas one by one; and now he was arrived at the bag of money, which being close fast and too big, could not come up through the same opening: how then to manage? In this manner, Sir: with a blade making angle with a hilt twenty inches in length, he cut the bag, and with some little management more, he tumbled all the rupees on the clothes underneath and also at the bottom of the chest. How now to bring the rupees out? They were too low for fingers, and even too low for a full-arm, had the lid gaped enough to afford a sufficient opening. But the man had provided himself with what supplied the advantage of arms: he had an Iron laddle with two prongs, making also angle with a very long handle, and this being dipped in gum, descended to the bottom of the chest, where it fetched six or seven rupees at a time; so that in half an hour's time he had brought out the whole of the four hundred rupees. Remained now to replace the jamas in the bundle, to shut this up, and to lay those Pāydjamas upon it; and this also was done, although in a manner much less orderly than it could be done when the whole of the chest was layed open.

The whole of this transaction having been authenticated by the Police officer, and witnessed by a number of witnesses, *properly qualified*, it was carried to Mahmed-Reza-Qhan, who as usual, when he goes a stray, shifted the load on the shoulders of the Moluvies, who pronounced that the charge against the Confaman had not being proved. Nevertheless it can be said, that if ever a theft was proved in the most irrefragable manner, it must have been this: for it followed from the whole transaction from which he expected his clearance, either that himself was the man, or that the robber was master of a stock of knowledge which none but an old servant of the house could be master of. Of all necessity the robber must have known, " that there was money in that room, as well as a variety of other property. 2dly. That it was in a chest: 3dly. That it was neither in the chest of the south, nor in that of the north, nor in that of the west, but only in that which faced the east. 4thly. That it was at that particular corner of the chest. 5thly. That it was betwixt two bundles of cloaths, one above and on beneath: 6thly. That these cloaths were divided in small parcells of one inch in thickness, and could be extracted with the two fingers of each hand: 7thly. That the money could not be come-at but by cutting the bag, spreading the rupees within the chest-bottom, and taking them up with a certain contrivance of Iron and wood. 8thly, that all those Djamas could be some how replaced within the chest against all appearances to the contrary; and last of all, that the robber could have time enough to go through all this apparatus and machinery for two hours together, instead of cutting away at once the ropes of the two malmal-bales, and carrying them away by bundles. It was after such a series of amazing feats of leger-de main, that Mahmed-Reza-Qhan, the supreme magistrate, pronounced that the charge had not been proved; so that after a year's proceedings, he set the man at liberty. It was high time indeed: for the man had been wrung so as to drop not only the two thousand rupees which I knew him to be worth, but a further sum of three thousand rupees more which I never had so much as suspected. His name now had come abroad at Moorshoodabad: he had no resources left there; but as he is an able man, and he did not know that he had been advertised in the Gazette of Calcutta, he

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repaired to that city, where he soon became Confaman or bottler to Mr. Plowden, with whom he is now.

Here is another story: at the end of the year 1787, a house which I had rented fourteen years together, and which I had purchased six years ago so awkwardly as to be obliged to purchase one half of it again in 1785, happened to receive considerable damage by the storm of November 1787; so that intending then to repair to Calcutta to look out for some livelihood, I resolved to rebuilt it so as to leave my family in it, which family lived at ten yards from thence in three small houses, rented from an old rich Eunuch.

As the ground was much circumscribed, and in a corner between two small crooked lanes, six feet broad, I resolved to built it with an upper story; but having no knowledge in building matters, the wall which ought to have been no more than two feet broad was made full four feet thick; and on the on other hand, as I had been disappointed in some grounds which I intended to purchase to the west and south, so as to give the lower parts a larger yard or compound; and these lower parts had no window upon the two lanes, and but six small ones within a compound too narrow and crouded with buildings; it happened of course that the lower part became so damp for want of air as to be uninhabitable, and so dark for want of light that no Letter could be read in any of the rooms, save in one: so that I had been obliged to raise an upper story, even if it had not always been my intention to do so. I had been promised by an old woman, my next neighbour to the west, a parcell of ground for one hundred rupees, which was worth thirty; and by the old Eunuch, my other neighbour, a deserted garden to the south, for a thousand rupees, which was worth a hundred; but these two persons no sooner saw that I was in earnest, and that the ground was digging for the foundations, than they raised their demands to two hundred and two thousand: so that I went on with the wall, resolved to do without them, and to leave the lower parts for lumber. But as soon as the wall was out of the ground by several feet, they both offered their ground again, and I answered by bidding only one half of what I had once tendered; for not only the offer came too late, but

I had taken a disgust at the house on finding it so excessively dark and quit uninhabitable below. This rejection of their ground, the Eunuch found means to make me repent of.

It must be remembered that the ground to the west ward belonged to an old woman, (which I have since found to be indebted to me in three hundred rupees, an article I heard of only since I am in Calcutta). This ground of her's was divided in three equal parts by two walls which formed a zenana, a kitchen and pantry, and a merdana or men's apartment: and it was the former I had bid a hundred rupees for. some time after my walls being already raised, the woman came to want money; and as by a law no ground or house can be sold to a stranger, unless it has been refused by the next neighbours; and the next neighbours were the Eunuch who did not want any ground, and myself who had once bid a hundred rupees for that third-part, and of late only fifty, it became necessary to bilk me out of that right of preemption which is called *Hac-Shafi*. The Eunuch therefore applied to the Moluvies or Doctors at law, and exposed his case in such a manner that they gave a sentence by which I was intitled to only so much ground as was contained between my house and the first wall. I presented a petition in the Civil court against the iniquitous Fetva or Religious answer; and it was filed so late, as to give the Eunuch time to sell the two other parcells to a stranger from a distant quarter for ninety five rupees. When the petition was accepted at last it was referred to the Moluvies; and finding that measures had been taken every where, I desisted. It appears then by that decision that if your house touches only to a kitchen, and that kitchen should be, as usual, parted only by a wall from the pantry, hall, parlours, yard, and garden, you are only intitled, not to the whole ground, but only to the kitchen. Of course had the Eunuch chosen to deprive me even of that third part, which was apparently left me, he had only to engage the old woman to raise a mud wall close to my own, for instance at six inches, and then my right would have extended only to so much as was betwixt that wall of her's and my own, to wit six inches in breadth, and thirty feet in length. Thus it appears that the

Eunuch

Eunuch with money on one hand, and the faculty of getting into every zenana, where he instilled his notions, on the other; had found means always to carry his point, be the decision ever so absurd or so iniquitous.

This is only the preamble; what follows might require a narrative. These little bickerings having soured the Eunnch's temper, (a set of men known all over India for peevish and cholerick and surly to a proverb) he soon found means to make me repent my having neglected to gratify him by purchasing his waste ground at two thousand rupees. He remained upon tolerable terms with me, whilst I was building the lower parts of my house, (evidently contrived to support an upper story) and seemed to pay no attention to forty-five beams, seven hundred bargus, sixteen doors, twenty window frames and a quantity of venetians that were mean while getting ready in the two lanes adjoining the house: but as soon as this lower part was over, and he perceived that windows and doors were placed in the upper story, he exerted himself in undoing me by turning all those materials and even the whole house into so much loss to me. He applied but to whom should he apply, but to Moonshy Qhaja-Ahmed, the general of the fodjdary forces. And here I conceive that you are going to stop me by asking what business had the building of a house with the fodjdary or Criminal office? Was it not more natural to apply to the Civil court? it was; but building a house is not actionnable there; and even admitting it should, it would have been necessary to rate the buildings of the neighbourhood which were injured by that building. Now if these were rated low, (and indeed they are nothing but mud and straw,) the complaint would have put it in my power to buy them off; and if rated very high, so as enhance the pretended injury, then it became necessary to pay a commission of some hundred rupees to Government (such are the regulations, before any complaint can be admitted) and some other sums in fees to the court. How then to escape that alternative? by making it a criminal, and not a civil complaint. For there is no commission required in the fodjdary Court; and how to make a criminal affair of a man's, building a house in his own compound? there is no precedent for such

a complaint? Well Sir, no matter: we shall make the precedent. And how to make it, then, for you teize me with expectation? Why, good Sir, by introducing a bit of a word, such as *Zuburdusfee* in the complaint. That word which signifies *by force or violence* qualifies any matter for a criminal complaint. For instance, suppose you should be actually making tea in the morning with green or fonglo; and that an enemy should take it into his head to plague you: he has only to lend good clothes to a number of beggarly neighbours, to whom he also gives half a rupee a head; and these will go in a troupe to Madapore, where they shall present a petition in the fodjdary office with the pompous and sounding names, of *Séyd* such alone; *Mirza* such a one; and *Khan* such a one: and complain that you drink your tea *ba Zuberduffee*, by violence, ideft, against their conveniency or pleasure: this magic word brings you at once within the lash of that office. Suppose again that you put-on to day white Nankeen breeches; but that your enemy, wants to plague you, and to force you to wear black satin ones. Well, Sir: he has no more than to make the same manoeuvre as above, and to present a petition that you put-on white Nankeen breeches *ba Zuburdusfee*: and strait, your Nankeen-breeches become a criminal affair. But you will prove irrefragably that wearing Nankeen-breeches is no injury to your enemy and to his confederates: well then (do not be angry) the case shall be dismissed, and you shall get rid of the complaint, with only some months vexation and some hundred rupees, charges. Mahmed-Reza-Khan, the Supreme Magistrate at the fodjdary Court, shall pronounce that the charge *Subut na-shud*, has not been proved.

Still you are at a loss to conceive how building a house within your own compound, could be construed into a crime, and brought within the cognition of the Criminal Court, which, as I have said, is restricted only to three cases, assault, battery and violence, being one of them. There is no more then than to Lay a complaint that you are building an upper room by *violence*, and strait you are within the verge of that Court. It is said that M. Burgefs resisted a long while the solicitations of his Fodjdary right-

right-hand-man, Moonshy Qhadja-Ahmed; and that he objected to the impropriety of sending a Summons upon a very doubtfull subject, of which at best there was no instance in all the records of the Fodjdary office: he objected strongly, and also adverted to the danger of sending me a written order to stay the building, as I might make use of that voucher to come upon him for damages. But the Moonshy who had already made his treaty with the rich Eunuch, prevailed upon him to evade the difficulty by making use of the following expedient: he sent me with a copy of the complaint, *a written order*, commanding my attendance; and he stayed the building, *by a verbal one*. The latter, even if a written one, would have not been admissible; but being only a verbal one it became ridiculous, and looked so much like a surreptitious one, that it was rejected; and the upper story went on. Here both the Moonshy and the Eunuch were non-plused; and before the usual forms of preferring a complaint, hearing my answer, and going through the merits of the cause, might have been compleated, the upper story would have been finished: after which it would have been perilous and chargeable to pull it down. What to do? the moonshy suggested that the Eunuch's confederates should right themselves: they assembled to the number of fifty persons; and having thrown a few brick-bats on the workmen, one of the first struck a little girl on the temp, and layed her speechless on the ground. The confederates dispersed instantly; and the Eunuch was at the expence of fifty rupees to stifle the mother's complaints, who wanted to make a considerable affair of this, and who was not pacified but by bringing motives of religion and Moluvies to this assistance; nevertheless the girl remained sick two or three months together: but mean while the building having gone on for three days more, the confederates supported and abetted under hand by the Moonshy, (who could not bear my pretending to dispute upon a par with him, or my carrying a point by dint of argument and reason) armed themselves with staves, whips, and other weapons, &c. and fell again upon the workmen, whom they drove away; after which they took possession of the house for several hours; and being all needy wretches, they plundered whatever Iorn and pieces
of

of wood they could carry away: a manege which continued for a month together, until all the small timber and Iron were carried away. Mean while came-on the time for appearing to answer the complaint. I repaired to Madapore, which you must remember, is at eight miles from my lodgings, and I heard the complaint; read. Sir, did I say, in addressing the magistrate, (M. B.) *the confederates set forth that building upper stories in this Country is uncusomary, and in their quarter, unprecedented: Do you really believe that there are no upper stories throughout all Moorshoodabad? none? you never saw any?* I have, answered he, but they must have been raised in open uninhabited places and what, sir, if they be thirty years old and in the most populous places of the city, for instance Khadum-ally-Khan's, which is a thorough fare between four streets? and what, if four of the complain-ers live themselves in upper stories? that may be, replied the magistrate, but I suppose they overlook no one, whereas your upper story overlooks every one: not one, sir, not one, not one, screamed I with emphasis; if it sticks but to that, my house being so near in your daily airings, please, sir, please, for god's sake, please to-come in; and if a single man's inner house can be overlooked by my upper story, I will abide a full condemnation. But at any rate, how do they know that it shall peep into their zenana? they know nothing of it: the upper story is just commenced; and it is well known that living myself at a great distance from it in a bungalow on the water-side, I intend the new house and upper story for the women of my own family, which surely I shall not expose to the peeping of others: and if they be hindered from being peeped-at, they will be of course debarred from peeping at others; And of course the pretend objection is done away. His actual roof, said the Eunuch overlooks the zenana of my adoptive son. True answered I, but that son of his he has brought into that waste ground only since the quarrell began, and he has cutt down two great trees that covered his zenana effectually. How, replied the Eunuch, am I not master to bring whom I please in my own ground; And have I it not in my power to cutt down my own trees? ,, You have, rejoined the magistrate, but after such an artifice, you cannot stand forth as one whose women care unsheltered and overlooked; And as to what you say that you and your neighbours have not to day known any thing of his having intended

intended an upper story, your plea is quite improbable: The house is building these six months, and the materials of the upper story are filling the neighbouring lanes. I have heard of the upper story myself long ago. "The magistrate turning then to me, observed good naturedly how ill advised I had been to build houses amongst *such neighbours*, and added that he would come with Mr. Lekey and some others to look how far it might be true that my upper story overlooked any man's zenana. however, added he, I must inform you that I can do nothing in this affair; For it being intirely a Musulman one, I am by my instructions bound to refer it to Mahmed-Reza-Khan."

All this dialogue I have mentioned, not only, as it gives a hint about some curious particulars relative to this dark affair, but also as it gives an insight into M. Burges's character. With ten times more penetration than in general falls to the lot of Indians; And twenty times more probity than ever has been or ever shall be the share of a Bengalee, it happens that at last he suffers himself to be led by the opinion of his dependants; And that what these had determined at first, is precisely what comes to pass at last. For the day of his evening ride, when I expected he would come to the new house, he passed-on and did not approach it. Three or four Englishmen were not to be imposed-on as to what they had under their own eyes, still less were they to be overawed or bribed; And therefore it would have come out that no one's zenana could be overlooked by the upper story, especially as I intended to wall-up all the windows to the north and west; And such a discovery would have totally oversett the scheme, for which the Moonshy Qhoadja-Amed had been so highly feed: And therefore he found means to put off the visit from day to day, till he found means so far to sour his master's mind, as to render him insensibly a party in that quarrell, and also in some others. In nothing is this overruling influence of that man so glaring as in this affair. M. Burges on the first complaint preferred before him, had only to answer, (or at least I can conceive it so) "that as building a house high or low, green or red, did not look like any of the three kinds of cases to which the

" Fodjdary

" Fodjdary Office was restricted, he would not venture to receive it, unless they could point out a single precedent within these thirty or forty years past." Now as there has never been such a precedent at any time whatever, or at least these thirty years past within my knowledge, it follows that the matter would have been at once quashed. I mention this answer, because there is a general report that such a dialogue really took place between the master and the servant. Be it as it may, the matter was referred to Mahmed-Reza Khan, as supreme Judge of the Fodjdary, who at first seemed to be greatly averse to the confederates and their leader, but who soon altered his conduct at least, but not his opinion, as he is not a man to take any upon trust. This sudden alteration, which lasted two or three months, and where I evidently saw that the intention was to let the matter die away, as it was notorious that I intended to go and settle at Calcutta in a few months, obliged me to supplicate the Governor general's interference, as you may see by the annexed Petition, so far at least as that a Sentence might be pronounced without further delay.

TO THE RIGHT HONORABLE

CHARLES EARL CORNWALLIS, K. G.

Governor General of the British East-Indies.

*The humble Petition of * * * * * Citizen of Calcutta, and Inhabitants of Moorshoodabad.*

SHEWETH,

THAT your Petitioner, forced by repeated injuries, and a variety of ruinous grievances, finds himself, to his regret, obliged to intrude *again* upon you valuable time with the following narrative :

" After having been busy these six months in building a house which the want of ground and windows had rendered exceedingly dark, and utterly uninhabitable, I was raising an upper story upon it

it as was the original design, when an Eunuch, rich and old, with whom on account of two partition-walls and of some other subjects, I had chanced to have some altercations, in which he had been each time condemned by the neighbours, found means to raise those same neighbours; and under pretence that an upper story might afford opportunities to look at their women, he excited them to a sedition; so that to the number of fifty persons, they commenced throwing brick-bats at the workmen; but having severely wounded a small girl, they desisted for the present; and changing their battery, they upon an exposal both absurd and full of palpable falsehoods, carried their complaints to the Fodjdary or Criminal Court, for no other apparent reason possibly, than because carrying it (and a quarrell about ground is but a civil object) to the Civil tribunal, would have required an expense of full a thousand rupees. Be it as it may, the magistrate (Mr. Burgefs) commanded my attendance by a *written order*, but stayed the building, *by a verbal one*. I objected to so irregular a proceeding, and continued the building for two days, when another seditious band took possession of the house, and drove the workmen. I requested a written order; and this was not sent: but after some objections listened to against the impropriety of the proceeding and the incompetency of the tribunal, the magistrate referred the complaint to the Criminal or Fodjdary Court in which the Nabob Mahomed-Reza-Qhan presides as supreme judge. Some days after, the latter sent for the parties, and after a full hearing, he reproved the seditious, whom he informed of the punishment they deserved by law: and on one or two of them having alledged that they had not known sooner of my intention to raise an upper story, he answered with severity, that it was strange that they who lived on the spot should know nothing of the matter, whilst himself who lived at two miles distance knew it these six months.

After so fair a beginning, the cause seemed likely to be brought to a conclusion on the very next day, when to every one's surprise the Criminal Judge cooled at once; and, whether deterred by the necessity of chastising and fining a number of people, every one
of

of them dependants of the Navvab Mubarec-ed Döulah; or swayed by some sudden consideration, of his own, he has never thought of the cause since: so that it is at stand these four months, although. Criminal causes are always dispatched in a few days, and such a delay in a rainy weather cannot but have greatly damaged the building. Mean while the complainers to whom I had offered either to raise for them on their grounds, but at my own expence, some veil or shelter against my peeping, or to part with those mud and straw tenements of their's on a fair apprisement, or at least to purchase my own, finding now that I required a full indemnification, shrunk away and absconded, some in the Navvab's palace, and some in houses independent from the jurisdiction of Moorshoodabad; so that although the building is going to ruins, I hardly know how to bring any one to answer to my complaint, save the old Eunuch, who pretends to be an old impotent man reduced to Beggary."

" Nothing less therefore than my total ruin seems to be intended: for the lower house, at all times unfit for habitation, is now filled up to the very roof with as many materials in timber, lime, mortar, bricks, window frames &c. &c. as I have been able to save from a general plunder, which is said to have been countenanced by very great men, but has unquestionably been connived at; so that I am as affectually debarred the use of my house, as if the whole had been confiscated by law."

" After so severe an execution, may I not ask what is my crime? for the complainers alledge none, save that of my being possibly able to peep at some shrivelled women in those straw and mud tenements of their's; which if it be a crime, is a futur one, and cannot be cognizable in a criminal Court, which determines upon crimes committed, and not upon contingencies that may chance to happen hereafter."

" Your petitioner therefore, sensible that your lordship shall not altogether overlook so singular a case, supplicates that you please so far to interpose between harm and him, as that the Navab Mubarec-ed Doulah may be advised to afford a full indemnification, on my releasing

sing to his people both ground, building and materials; or that the Navvab Mahmed-Reza-Qhan be directed to see that strict justice is immediately done the parties."

And your petitioner, as in duty bound, shall ever pray &c.

Calcutta, December 22, 1788.

But this application with the slight interference it produced, having put all the world at Moorhoodabad in a flame; and having myself on the other hand thought proper to relinquish my three claims at the Civil Court; the application produced the very reverse of what was expected; so that on observing the great alterations and jealousies it had occasioned, and sensible how the wind blew and was likely to blow, I framed another petition which you have also here; and fully sensible that my cause would be attended-to at Calcutta, I wrote at the end of these sheets, then finished at Moorhoodabad, the verse:

Flectere si nequeo superos, Acheronta movebo. Verg.

And carried another Petition to Calcutta.

In this hope of mine however I proved a little too sanguine; for whether my adversaries, who had more than once boasted in these words: *who will ever read all that at Calcutta? Who will mind it?* Whether, I say, they had been before hand with me in that city; or they had been better served by chance than they had reason to expect; as soon as I had been sitting a whole hour in Acheron's hall of audience, I was desired, whether by his order or otherwise, to walk out of it, or at least, the words I heard amounted to nearly as much.

This mischance produced very heavy consequences: for besides my own petition, I had another in my pocket: It was signed by sixty two eminent persons of Moorhoodabad, who expressed their apprehensions "Left some causes with which the Civil Court did not chuse
" to fally it's fingers, should be by collusion transfered to the sodjary
" or

" or Criminal one: their fears lest the unjust and arbitrary sentence
 " about my house should become a precedent for drawing to the
 " fodjary tribunal matters that had no connection with is; and
 " their concern to see that a number of beggars, excited by two or
 " three powerfull adversaries, should have it henceforward in their
 " power either to put the builder under a silent contribution, or
 " to procure themselves a small conveniency, at no detriment to them,
 " but at no less a price for the owner than that of seeing his building
 " either stayed, or ruined, or rendered useless; whilst common sense
 " pointed out, that if they were intitled to such a conveniency at all,
 " it must be by all means on paying for it themselves, and not on
 " making the builder pay for it; it being evident that the builder
 " had as much as any of them at least a right to seek his own
 " conveniency in his own compound: in short, the Petition reflected
 " highly on the flagitious partiality which had hindered an honest,
 " industrious, useful man, from going-on with an upper story, become
 " to him of absolute necessity, whilst it permitted a Mahmed Ally,
 " botteler of Mahmed Reza Qhan, and a Djumni-Bhây, a dance-
 " woman of Mubarec ed Doulah's, to go-on quietly with their's, both
 " of which are now finished: with this further aggravation, that
 " both these buildings being airy and lightsome, do not need an up-
 " per story, whereas the other building being quite dark and damp,
 " becomes utterly uninhabitable without such an addition;" this
 Petition I brought back together with my own.

What I was to do with this last I knew full well: I was resolved
 some way or other to get myself read by Acheron, sensible that it would
 attract his attention at last; but the difficulty was how to dispose of
 the other Petition. After a deal of parley with myself, and six days
 consultation, I resolved to send it back, and to inform the Petitioners
 of the little credit I had at Court, and of the little chance I had to
 get it read at all: and this was conveyed in such terms as concealed
 the affront I had received.

But here I had reckoned without my hosteler: the whole business

was already well known at Moorshoodabad; and whilst I was writing the letter, I received one, signed by three of the principal of them, who not only requested me to send their Petition back, but informed me of their being resolved to disavow it, should I go so far as to trespass on their request. The fact is that the order, or at least, something to that amount, although delivered in english, had been fully comprehended by Tefezzn-Hosseini-Qhan, agent to Assef ed Doula, and by the several agents of the two Begums, of Mahmed Reza Qhan and of Muharec ed Doula. The singling me out in that numerous assembly of ninety six persons, had attracted all eyes upon me; and the look, gait of the body, and tone of voice as well as my withdrawing myself a moment after, had given full information; and this having been transmitted by the three latter Agents, had become public at Moorshoodabad, and "had frightened the Petitioner's beyond their wits, so far, that fearful of sharing their Agent's future disgrace, and of being henceforward eternally exposed to the enmity of both the Fodjdary and Civil Courts; they insisted upon their Petition's being sent back, and swore they would disown me should I persist in presenting it. Now here is my second Petition.

TO THE RIGHT HONOURABLE

CHARLES EARL CORNWALLIS, K. G.

Governor General.

The humble Memorial of hitherto Inhabitant of Moorshoodabad.

SHEWETH,

" THAT your Petitioner, unable to divest himself of all regard for a considerable property violently wrested out of his hands, or, which is full as much, rendered of no use, is with regret forced to intrude again upon your valuable time with the following narrative: were it but to awaken an important attention on the many iniquitous

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proceedings

proceedings upon which people venture out of Calcutta on the invidious supposition that no one there shall have either time or will to attend to such details."

" And here, Mylord, it becomes necessary that you should be reminded of the purport and style of a Petition I took the liberty to convey to your Lordship in December last, wherein, confident on the goodness of my cause, and on the opinion which Mahmed-Reza-Khan himself seemed to have conceived of it, I complained only of some foreign considerations which had so far influenced his mind since, as to leave the matter in suspense for a long while, like one that meant to let it die away of itself; and I supplicated your Lordship for your interposition, to the end, that sentence might be pronounced on the merits of the cause: Such an application of mine, Mylord, chanced to oversett all Mahmed-Reza-Khan's notions of right and wrong: the Nawab Mubarec-ed-dowla himself with the two Princesses, his mothers, shocked that I should have given them in that iniquitous affair something of that full share which they had so inadvertently and so ungenerously taken, by listening to the *ex parte* reports of an enuch at variance with me, were all in a flame on my having dared to apply to Calcutta in an affair which they had resolved to stifle at Moorhoo-dabad; and to shew me how much they, as well as Mahmed-Reza Khan, valued my bustling, the latter, not only receded totally from the passive silence which he seemed to have imposed on himself, but he took so far an active part in the whole affair, as to grant in his sentence to my adversaries a great deal more than they had requested themselves. Their Petition being in the records, it will appear that they had requested *only that I should be restricted from going-on with the upper story which I was raising on my own house and in my own compound*; whereas the Supreme Magistrate's sentence ran thus: " threats shall be made to * * * *; and he shall be forbidden to " continue his upper story: moreover he shall pull down so much of " it as has already been raised; and he shall bind himself under a " penalty not to raise any for the future." (A strange article this! levelled undoubtedly against my selling my house to an Englishman, who had some views on it, and against whom to all appearance no
one

one would have dared to lay such iniquitous unprecedented claims as were now enforced against me)."

" After so very severe a reverse, after so unprecedented, so unheard of a sentence, which deprives an innocent industrious man of a house worth ten or twelve thousand rupees, or at least renders it wholly uninhabitable and of no use *; and that too under the sole pretence, that it might at some time *hereafter* afford opportunities to overlook some shrivelled women of the neighbourhoed; (which inconveniency after all, if of a nature to be remedied solely at my charge, might have been easily warded off by an expence of twenty or twenty-five rupees properly placed throughout all those straw or mud tenements), after so ruinous a sentence, Mylord, may I ask what is my crime? For the confederates themselves alledge none; and here I supplicate your Lordship to cast a look at the Petition of December last, wherein I propose to put an end to all the different by any one of the following expedients: " their
" purchasing my house and ground at a fair apprisement; or their
" selling me their's; or at least their letting me raise thereon, but
" at my sole expence, such a shelter or veil for their conveniency,
" as their respective cases might admitt." May I ask again Mylord, what is my crime? For surely raising an upper story within one's own compound cannot be construed into so heinous an action, especially when those that take offense, are, not only at full liberty to take their own conveniency against it, but have even been offered to have it done at my own expence? May I ask again what can be the reason of so unexpected, so sudden a change in a supreme Magistrate? My crime, Mylord, is a great one, an irremissible one: in my last sojourn at Calcutta in December last, I have chanced to appear in the Gazette as the Editor of an history of India in which Mubarec-ed-Döulah is pourtrayed in the most def-

* Such materials as had escaped a general plunder of several days, were of course crammed within the lower story, and they rendered it incapable to admit so much as one bed in any part: these materials were 45 beams; 700 bargas; 12 doors, and door frames; eighteen window frames with venetians; eleven hundred maunds of Silhut lime; 2500 of Soorkey; seventy thousand large bricks; and an infinity of utensils, tools, Iron, Copper, old materials &c.

picable, most ridiculous colors; and Mahmed-Reza-Khan, in the most odious ones; and as the great ones of this land, after having been for ages together insensible and quite callous to every thing like character, have now learned of the English to pay some regard to it, just as they have learned the use of China-tea, Mohogany-chairs, and Buff-breeches; so, it is natural to think that those men, who have left it as a legacy to their children and sons-in law, to wreck hereafter by every means in their power their vengeance upon the author of that work, have likewise conceived an unconquerable prejudice against the man that has presumed, by his translation, to expose them on the Theatre of an English world: and this, Mylord, over and above the natural influence which Eunuchs have over immured Ladies, and immured Ladies, immensely rich, over men in power in general, and over Mahmed-Reza-Khan in particular, proves to be the key of that sentence in which an innocent man is undone, to gratify the revenge of an Eunuch, and the views of a number of beggarly neighbours amongst which it would be difficult to find three men of some property: and as a further token of resentment and defiance, this sentence was pronounced, neither by the supreme Magistrate, as it was his duty, nor even by his deputy, (both being absent); but by a common clerk; and as if there were in it some delicate matters not fit to be exposed to the prying eye of an injured knowing man, a copy of it was refused at that time (5th March last) and continues to be so to this day: although it is an invariable custom in all Criminal cases whatever, to put in the hands of the parties an attested very long paper, in which the allegations of the Plaintiff and defendant being mentioned at length, together with the sentence and its motives, serves henceforward as voucher on both sides: this favor, no representations, no reproaches, no intreaties have been able to obtain to this day. Is it to prevent my remarking upon the contents? (Indeed if this be the intent, it is effectually defeated by the confederates themselves, who having been fully informed of the contents two months before hand, have long ago talked and boasted of them): or is this refusal rather calculated to afford time to manufacture hereafter a new decree suitable to the exigencies that might arise from a complaint carried to

Calcutta,

Calcutta, should it happen as it is too often the case, that the complaint of the injury should be referred to the injurer, and redress of the oppression be expected from the oppressor."

"After so long a narrative, My Lord, (and it is a pity that the extent and unusual features of the injury, as well as the importance of the reader, should have required so much detail), shall not your goodness allow of my making a recapitulation or an abstract of the whole?"

"It amounts to this, My Lord: a man builds a house within his own compound with a view to raise an upper story upon it, the lower parts being otherwise too damp and too dark to be habitable. His neighbours, excited by an Eunuch, a powerful wealthy man, with whom he was upon bad terms, but who has access to all the zenanas of the city, not only present a Petition against his continuing the building, but also, on finding themselves abetted and strongly supported by secret hands, oppose the building by main force at two different times under pretence that such an upper story would enable the owner to peep into their mud and straw tenements: and they add moreover, that building upper stories is unprecedented in that city; upon which representation, the Criminal Judge orders that no upper story shall be raised, and that as much of it as has been raised already shall be pulled down; and moreover, that none shall be raised thereon for the future; which last clause renders the building unsaleable. This is not all: the materials intended for the upper story being now crammed into the lower parts, have rendered both these as well as those, of no use at all. The question then is,"

1st. "Whether those neighbours are intitled to the right of procuring that conveniency to themselves? And in that case, it shall appear that the owner has been endlessly offering, either to sell them both his house and ground at a fair appraisement; or to purchase their's; or at least to raise upon them at his own expence such a shelter or veil, as might insure their purposes: all which parties have been rejected."

2d. " The second question shall be, whether, if they be entitled to such a conveniency, it is to be acquired entirely at his sole expence; and if it can be common sense or law in any country of the world, that an innocent man should be deprived or debarred of property to the amount of ten or twelve thousand rupees, barely to procure them a small conveniency attainable with a thousandth part of that sum?"

" In either case it shall rest upon them to prove"

1st „ That there are not at this time standing at Moorshoodabad two thousand five hundred upper stories. 2d, that the two Navvabs themselves do not live in upper stories, much loftier than mine. 3d, that there are not eleven such upper stories in the quarter where my house is seated. 4th, that two of the complainers do not themselves live in two such houses. 5th, that there are not actually two such houses building in the same quarter, the one, by a bottler of Mahmed-Reza-Khan's, and the other by a dance-woman of Mubarak-ed-Döulah's."

" Lastly, it rests with them to prove, either that the two thousand five hundred houses have been acquiesced-to by the neighbours, who accordingly have covered themselves against a futur peeping, by every means in their power; or, that every one of these have been raised not in the most populous parts of the city, (as they have notoriously been indeed); but only, in the open fields, and long before the surrounding houses had a being."

" Your memorialist therefore supplicates, My Lord, that you please so far to interpose between harm and him, as that he may receive a full indemnification, or any other relief which your wisdom shall discover, and his singular case, point out."

" And your memorialist, as in duty bound, shall ever pray, &c."

A REMARK.

On reading the sentence alluded-to, (and this is free to about sixty persons, excepting the man who is so deeply concerned in it) two observations occur very naturally :

Mahmed-Reza-Khan says that the charge of violence offered to the workmen, and of forcible entry and possession, and of tumult and sedition, has not been proved. The assertion is very nearly true : but how ? Because, the fact being so notorious, as to have made some noise at Moorshoodabad, the confederates themselves in the only public hearing had on the cause, acknowledged the sedition &c. and only glosed on its motive and mode : and this is so far trues that Mahmed-Reza-Khan asked them how they had forgotten themselves so far ? And whether there was no Government to apply to, if they thought themselves the injured party ? He moreover informed them of the punishment which the law inflicted on such seditious proceedings. No mention was therefore made by me of that subject, and no proofs offered. Why so ? Because none was thought necessary, and none required.

The same supreme Magistrate is reported to have affirmed in his sentence that I had been faulty in not assembling my neighbours at first *to ask their consent*. Mahmed-Reza-Khan is a man of seventy, and has always been in office from his youth. Query : does Mahmed-Reza-Khan in that long series of years remember of a single instance of a man assembling neighbours for the purpose of obtaining consents to build a house in his own compound ? Can that nobleman point out any such thing these four hundred years past ? Or since he is in office under the English Government these thirty years, can he recollect any discussion of such a kind, or even of a similar one having been brought to his tribunal or to any other ? Or is he under such ties to both the Princesses,* that he finds it his Interest

* It is notorious that Mahmed-Reza-Khan, who has a peculiar knack at becoming the *Cber ami* of every Lady that has both money and charms, or either, has borrowed largely of those two Ladies in whose hands there are now bonds of his

interest in the present exact administration to go all lengths under their nod, rather than run the risk of refunding?

I hope, Sir, you are now perfectly satisfied with what you are to think of this affair: it is become public at Moorshoodabad; but to put it in your power to argue against those that have pretended that this story and the preceding ones, even admitting them to be exactly true (and how should they be otherwise? I have appealed to the records, how faithlessly, negligently and worthlessly they be kept), that this story, I say, is after all but a solitary fact that cannot conclude against the general character of a Court; I shall regale you with two or three more, all happened within the space of three or four years; and rest assured that there are an infinity of others.

One Mannoo, a servant of mine, having observed that I had forgotten my handkerchief in the necessary, whether I had been opening and looking at some chests of liquor, stole it. At the corner of it hung two small purses the one containing forty-four rupees just put-in, and the other the key of my scrutore, with some silver change to the amount of seven or eight rupees more. As the handkerchief was not missed that evening, the man went home, to return the next morning as usual; but he did not appear; and the handkerchief having been missed in the forenoon, and a search made, the place where it had been forgotten was concluded, and by inference, the thief. The fellow not appearing for three days together, two persons were set after him, who caught him in a woman's Cahut, who was his sweet heart; and moreover the handkerchief which was a Madras one, was found with him. The fellow, with the handkerchief and a complaint, was sent to the Cutval, with whom it is well known that all thieves, robbers, and banditties are in confederacy, and who moreover was a creature of, and totally dependent on, Monshy Ahmed, the Cashmirian, who bore an absolute sway with Mr. Burgess,

his to the amount of eleven lacks; and it is well-known that in 1771 when Mahmed Reza-Khan was dismissed his office, and put under arrest, and heavily charged, both the Ladies had the generosity to say not a word about those sums, and when urged by Governor Hastings, evaded a direct answer, or eluded the charge.

Quodja

especially in Fodjdary or Criminal matters, where he was omnipotent. The Cutwal's answer was this : " I know nothing of your master, and have no orders to receive from him, (he was requested to take the thief in charge) let him apply to the *Moonshi-Dji* (the sweet Mr. Moonshy) ; And then I shall know what I am to do." This answer produced in five days more, a formal complaint against the Cutwal, which paper was put in Mr. Burgess his own hand. This Magistrate heard the contents with evident marks of emotion ; he rose from his seat with the complaint in his hand, walked across the hall from north to south and said that the Cutwal has done very ill : he walked again from south, to north, and then from north to south and said that the Cutwal has done very ill : but did nothing further. The Moonshy observed that the complaint was not according *the end of the rope* (a mighty word which I shall explain by and bye ; although the Cutwal was sent for, nevertheless other matters having mean while intervened, I never could hear a word more about the matter : and there it ended.

Here is another story. You have heard of the two brothers Mirza-Djaaser and Mirza-Bakyr, sons of Mirza-Cazem-Qhan ; and you have heard me say that Mahmed-Reza Khan having never been able to make his two sons learn twenty words of English, after having spent ten lacks of rupees for that purpose, the two brothers above, learned both to speak it tolerably and to write a good hand, although their father must have spent two lacks of rebukes and blows to wean them from their inclination for that language. It is needless to say after that how far they were upon ill terms with their father ; how they at last quitted him, and betook themselves to some livelihood, by attaching themselves to some English Gentlemen in the quality of Moonshies, for which office they are abundantly qualified, the elder especially who is the greatest master of style in Bengal ; and it was by the favor and patronage of these Gentlemen and especially of Mr. Paterson, that he obtained some little office in the Fodjdary Court, and namely the office of Rangpoor, where he went to settle, and where he built himself lodgings,
planted

planted a Garden and commenced connections. In the course of his office he had some discussions about some prisoners with one Sham-Chunder, who fell out with him and came to Moorshoodabad, where he preferred a formal complaint before Mahmed-Reza Khan; the magistrate sent for Mirza Djaaser from Rangpoor to answer the complaint, which he did in an able manner. It is observable of all criminal matters that they are of an easy investigation, and of an easy dispatch, although by some fatality which one single word would remedy, they last several months at Moorshoodabad, and since 1783, several years. Mean while after three months had been spent in complaints, answers and replies, the Plaintiff who had business at Calcutta, or who observed that he was not a match for such an adversary, took leave for a month, and repaired to that city, from whence he never came back. One would think that on the term of leave being expired, the man ought to have been cast *Ipso facto*. He was not. Summonses after summonses were sent to his lodgings at Moorshoodabad, whilst the defendant was eternally representing that this groundless complaint had already cost him not only whatsoever he had left at Rangpoor, to wit, his lodgings and furniture to the amount of twelve hundred rupees which had been consumed by fire, but also eight hundred rupees more which he had spent in four months time at Moorshoodabad over and above the Court charges, and his loss of time. For all that Mahmed-Reza-Khan went on sending summonses to a man who had ceased these six months to live at Moorshoodabad. By this time Mirza Djaaser had been obliged to resign an office which he could exercise no more; and God knows what farther losses of time, money and character, the defendant had been obliged to undergo, had not a letter come from Calcutta, which represented the hardships put upon Mirza-Djaaser and requested that judgement should be pronounced. Pronounced it was then; and as the sentence recited the many summonses which the plaintiff had left unanswered, it adjudged the subject of the complaint to have *not been proved*. You are apt to think that Sham-Chunder's security was layed hold off, and obliged to make good all the damages the defendant had suffered. No such thing: not a word of that was mentioned; and Mirza Djaaser, with all his merit,

merit, being again launched into the wide world, was obliged after a loss of six thousand rupees and eleven months time, to repair to Calcutta again, to look out for a livelyhood.

I shall end by another very strange story, were it but to shew how far Eunuchs have an influence over immured Ladies, and how far immured Ladies, immensely rich, can influence the Courts of Justice; and how far these last have a knack at turning the law and its expounders, to wit, the Moluvies, which way they choose.

One Qhoadja-Vadjid, an Eunuch attached to Babboo-Begum, mother to Mobarec-ed-Doulah, the nominal Navvab of Moorhoodabad, being incensed against one of that Lady's purveyors, ordered him to be flogged, in the morning, and continued the flogging at several sittings, the whole day. At night, the man was put in irons. The next morning, some flogging again; and then he had his two hands and arms made fast to a musquet placed accross his back; and in that posture he was set in the sun, to be roasted alive, the man intreating, as a last favor, a pot of water to quench a raging thirst. By three o'clock in the afternoon the man was dead, and he had fallen with his face on the ground. A woman who lived with him these several years, having even had a child by him (and the law does not make any difference between concubines that have had children, and wives; nor does it put any between their respective children) the poor woman, I say, deprived of her mate, and also of subsistence, mustered what little money her trinkets could afford, and preferred a complaint in the criminal or Fodjdary Court; where after having been buffeted for six months together by every chicanery which money, and influence, superiority of skill and superiority of sex could suscite against her, at last the murder, (which all Moorhoodabad knew as well as every dependant, and Judge, and every Moluvy of the Court), was going to be proved; when on a certain question being skilfully set to writing and presented to the Moluvies, it was answered that according to law, she was not entitled to pursue the man's death, as she was neither wife nor relation. The afflicted woman reduced now to beggary, begged her way as far

as Silhut or Lahor (I do not remember which, it is four years of that) and in a year's time brought from thence the man's maternal uncle. But this also was plyed with every chicanne which superiority of money and influence could muster: at last it was objected to him that he had no proofs of his being an uncle, and of course was intitled neither to the murderer's blood, nor to a pecuniary commutation of the capital pain. the poor man reduced to his last rupee and tired of the lengths, delays, and tergiversations he had experienced, went away; and the matter rested where it was: the Eunuch continuing as well as ever to parade the streets in an embroidered Paleky, preceded by half a dozen of Pions, who call out *Gbéle Djão, Chéle Djão*, Make place, make place.

Now any man without being either a Moluvy or a Lawyer will naturally object, that although the Musulman law, out of complaisance to the relations of the murdered, puts the sword of justice in their hands, to revenge themselves in their own way, or to commute the allowed suppliance into a pecuniary fine to their own profit; it does not by any means follow that it thereby divests itself entirely of the use of that sword, which properly is her's; or that she precludes herself from the right of inflicting an adequate punishment on the guilty. And this is so far true, that every year capital punishments are inflicted on hundreds of criminals, not only without the interference of any relations whatever, but even against their repeated intreaties. With this further aggravation that unless they be worth money, they are kept at a distance. At this rate every Englishman in the country may be murdered singly; and Lord Cornwallis may be leisurely aimed at and coolly shot through the head, without it being possible to revenge one single of their deaths: For the English have no parentage between themselves; and the noble Lord has no relations in Bengal; and although those of Europe might come over, there are ways and means, (and these are obvious and customary), to set them aside, or to make them sick of the prosecution.

After all this long story, what are you to think, Sir, of the
narrator

narrator, or of his narrative? As to the narrator, you must of all necessity suppose him to be not only the most abandoned, but also the most ingenious of mankind, to have invented such a number of stories with such a variety of circumstances and incidents, at a time when there are records ready to confound his impudence; or else, you must be satisfied that really the man, does no more than relate such events as he knows positively; and with respect to the narrative, choose of the two following conclusions, which you please; either the common and usual course of justice has been perverted on purpose against this man in both Civil and Criminal Courts, and then it will be asked, why so? Or, you must admit that there was no deviation at all for his sake, and that such is the general, common and usual course of things in Moorshoodabad; and after this last conclusion you shall very naturally make this obvious reflexion: to wit, if such iniquitous usage can with safety and even with a deal of ease, be offered to a man who has some small access to great men, who can speak and write for himself, and who has so adequate an opinion of the English Government, as to think that when properly applied to, it seldom fails to afford redress; if such iniquitous usage, I say, can be offered with ease to such a man, and even with sneer and disdain and contumely; what must be the case of those shoals of defenceless, mouthless wretches, who have the most unworthy and most extravagant notions of their masters and rulers; and blindly wedded to their old ideas, firmly believe that the embezzlements, peculations, and extortions, which they see passing under their eyes, are but matters of course; and that the whole of their ruling and Government is nothing but a chain of inattention as well as of sack and plunder, whose links ascend from the lowest to the highest stations?

You have made that reflexion yourself, Sir; I dare say, that there is another, which naturally arises in any man's mind: and it is this: is there no redress to be had any where against such oppressions; and are not such iniquitous proceedings liable to a revision? No Sir. No, Sir. I repeat it, no, Sir. Such men as the Judges of the Supreme Court of Judicature of Calcutta, those men who have
passed

passed their lives in studying the laws and still do study them every day, and to that knowledge join every collateral assistance which can be dug out from the most extensive learning and most intimate acquaintance with the world: those men of the most exemplary lives, of the strictest morality, and the most scrupulous decency of conduct; those men, secured against even temptations, not only by a most liberal education, but also by the most noble salaries existing over the whole earth: those men, Sir, are not reputed infallible: their sentences are liable to revision; and if found guilty, they would be punished as well as any others: a Lord Cornwallis, a man who by the fortune and station he has always enjoyed in Europe and else where, and who by the peculiar sentiments of liberality and generosity, (or if you will, carelessness about money matters, which a Military life unavoidably infuses in the temper); that man, who after cutting so brilliant figure in the other hemisphere, has conserved an unblemished character in the most tempting station of the world: that man, at his return to Europe, or even here, would be liable to be impeached; and the Burks and the Sheridans of his time would so far harass him, as to embitter his days for the remainder of his life: Warren Hastings, (what words are these? They say every thing). Warren Hastings, the most meritorious man that India has seen, not excepting even Clive himself; Warren Hastings is actually kneeling before the house of Lords, not to ask that his sins should be forgiven, no, *but only that sentence be pronounced.* All those men are liable to revisions, to impeachments and even to capital punishments: but the Court of Fodjdary, reduced to a single Mahmed-Reza-Khan, is not; is not, unless a Governor General can find time enough to look into such small matters at such a distance of time and place, and musters resolution enough, to investigate and. Unravell them. A Court of Fodjdary, where there are no revisions to be feared; and where the President, a man at most of a spotted doubtful character, has no other assessors than Moluvies at fifty rupees per month; is suffered to sport irrevocably with our lives and fortunes; and whilst luxury, and its concomitants, venality and peculation, are acknowledged to have pervaded all ranks, its president alone is incapable of either bias, or prejudice, or pique; and

Moluvies

Molvies of fifty rupees per month are incontestably acknowledged for incorrupt and incorruptible; although we have seen Mahmed-Reza-Khan himself more than once reject their exposition of the law; and also reprimand them, just as an English Judge sends back a jury, and requires another verdict. But the Molvies after all do not take upon themselves the decision of any case: their answer is always conveyed in these, or in similar terms: *the case standing thus; or on the foregoing exposal of the case, the law says, that &c.* Does not common sense then suggest that no case ought to be proposed to them, unless after the two parties have agreed together about the wording of it, and the President has signed it? In such a state of things Molvies, as well as judges, would stand under a great responsibility; and in an attentive government, a glaringly iniquitous decision would draw after it such dreadful consequences of fines, penalties and incapacitations as would deter others for some years, at least: for as to the records, the men who can sell a decision for a few rupees, can write a record as they are bid, for a few anas. Who will detect them amongst those Shoals of wretched suitors, who cannot read, who are even too far to listen, and who are turned out, or chided or brow-beaten whenever they dare insinuate that some mistake has been committed. *You rascal, you accuse the Court! You want to teach your Judges! You deserve to be fined; turn away that fellow, directly.* The Moonshies both through inattention and through carelessness and venality, write what they please, and as they please. Suppose to a judge as much uprightness as also as much knowledge of the Persian as you please: it is not in the nature of things that he should be endlessly perusing those voluminous records, and eternally remembering what has passed. You have already seen in Abdollah's case, that they can word a sentence, so as to evade the most Criminal and most material circumstances: you have seen in Set Aga's case that under pretence of copying a Plaintiff's voucher, they take it out of his hands, alter it, sell it, withdraw it at their own pleasure; and now I inform you that they can with the greatest ease falsify any record even in a knowing attentive man's presence: here is the instance; nor will M. Burgess deny it.

Luckly

Luckily for me that in Abdollah's case, a man of eighty, who had been for months together sick of a retention of urine, found himself well enough to appear in Court, and to give a pointed, circumstantial and consistent evidence about Abdollah's four bonds; and indeed the money had been counted and the whole business transacted, in his house and in his presence: he also acknowledge the Seal and Signature of Aga Ally, an eminent witness, as well as the hand and character of the very man who drew up the bonds, although without being able to read or write himself. But those two men had lived twelve years with him in the same house; and the former had been, his partner, as the latter had been, his mercantile agent: for Aga-Reza (and such is the gentleman's name), has been an eminent merchant of the fairest character. His deposition having been somehow huddled together, (for I was overlooking the writer, and did not care to grumble, as the deposition after all was not of a nature to be totally altered) his deposition then having been huddled together, there came one Balecram who was book-keeper to that gentleman, and who, although pretending to give a much less circumstantial evidence than he really had in his power, still upon the whole, gave a testimony which corroborated that of his master, so far, that he acknowledged the authenticity of Aga Ally's Seal and hand, (an eminent man,) and both the hand and seal of Hadgee Mahomud-Cazrani, who drew up the bonds as writer and signed as Witness. The Moonshy then in setting down all these evidences had only to say: Aga Reza said so and so &c. &c. and *Balecram said the same*. Instead of that, he wrote, *but* Balecram said *not* the same. The Moonshy did that in my presence, and in the presence of the two Witnesses, as well as that of the Judges and of twenty hearers and bystanders more; and had I not been close to him, and overlooking his writing all the while; had I not had a smattering of the Persian; had I not had the boldness to Scream out: *what are you writing there?* (Observe how many circumstances were necessary to detect the imposition!) Aga Reza's important evidence had been effectually done away, as he was but a single Witness. The Moonshy confounded to find that I could read the Persian, excused himself with these words: *I am a man, and liable to errors and mistakes, my master is so himself; and so are all lords.*

But

But as I have been just hinting at the mode used to frighten low and timorous people out of their remarks on the mistakes of the Court, and out of their arguments, idest, out of their rights; it will not be out of its place to say some thing of the methods used either with people of the better sort, or with people accustomed to speak to men, in Office. There is no turning such people out of the Court with ignominy; but there is such a thing as calling at once for another cause, and leaving the man to talk to himself; or else, there is still a more sly way of teizing and tiring him: there is in the Court a certain compound word which is employed at every turn, as an Egede to petrify the hearers, or what is full as well, to reduce them to despair, and in time, to silence, acquiescence, and tame submission: this word, this mighty word, is *Serishla*. What signifies that word in Persian? I know not, unless it be the same as that found in Minensky with as many letters, and ranged in the same manner; and then it will be found to signify in plain English *an end of rope*. Now, Sir, should you prefer a bill with only the legal fees, without at the same time conveying a present to the Register &c. &c. and &c. should the latter intend to oblige the man complained against, idest, to draw a present from him, for the favour of affording him time to conceal his effects, or to make his escape; then your Petition is returned to you, as not being *Marwafuc Serishla*, according the *end of the rope*; and of course your affair is put off for a weeck more or three or four weecks. Does your Petition, although drawn-up in a masterly style and an elegant language, stagger the Moonshy a little, who is always an illiterate low fellow, unacquainted with every thing, save the six or seven formulæ of letters and Petitions which he has now by him, and which constitute all his learning, * then your paper is returned into your hands, as not been according *the end of the rope*. Should you have any small discussion about an expression or a word with him; and should you

* There is no master of style in all the Courts of Justice of Moorshoodabad, but Moonshy Hurmet-Allah, who is a man with a white beard, and a lock and air, above the common. All the others are so many despicable Bunglers that would have not got bread to eat under the hindostany Government.

shew him irrefragably that he is an ignorant blockhead, your Petition is returned again, as not being *according to the end of the rope*; and it is returned over and over again, weeck after weeck, until the intended purpose is secured, or a more submissive tone and language complied with; and then the Petition is adjudged to be *Secundum Lucam et johannem*, that is, according *the end of the rope*. Have you in a written answer to an adversary glanced at the hardship of being obliged (barely for the sake of producing fees to the Court) to repeat again reasonings made over and over, and to demolish again and again objections already refuted? Your Petition is forthwith returned, as not being according *to the end of the rope*; and your answer put off to a couple of months more. Do you carry a direct complaint against, for instance, a Cutval or a Moonshy, and forcibly point-out the wrong done you, and of course the implied supineness of the Judge? Your Petition is again returned to you, for it is not according the *end of the rope*. Have you in argumenting with your adversary's agent in full Court, and very often with the very Moonshy or confidant of the judge, forcibly glanced at the agent's endless prevarications; and insisted that no more verbal dialogue should be admitted, but that every allegation might be set to writing on both sides, and on both sides, signed? Here again, you are left to talk to yourself, and another cause is called up, for what you say is not according the *end of the rope*. Do you, on being spoken to by the judge, who brings-up on his Moonshy's actual suggestion, an objection already stale; do you answer, with a smile, that a refutation to it has been given in the three precedented papers, in six, ten, or twelve different places? Your answer proves inconsistent with *the end of the rope*, and yourself are desired to go home and to provide another. Should you in an animated dialogue with the Moonshy, and indeed with all the Moonshies, (for they make it a point often to talk together, were it but to bewilder you, or to stun and din you to make you angry, and of course to put you off your guard); and should you say with a disdainful smile: "this, Sir, is wandering from the question." "The matter is not, what denomination I am to give to my claim upon Hingen, but onlo whether he is really my debtor or not; and this is impossible to be asserted, unless

“ unless by actual inspection of the goods, or by arbitration;” and should you (actually holding a small book in your hand) throw it upon the table, and say, pointing to it, *this, Sir, this, and not all that*, is the *point to be cleared*: should you be guilty of so heinous an offense, that offense although not perceived that day, or for a week after, is however perceived at the end of that time; and on your offering to speak again, the Moonshy remembers of it to tell you that your behaviour is not according to *the end of the rope*, nay that it is insolent, although the Judge himself, speaking after him, should qualify it by a much milder appellation, and call it only, *improper*. In short talk reason, argument, and authorities as much as you please, unless you acquiesce to what is told you, your talk is not *Secundum Marcum et johannem*, and you are put off again, unless you bring yourself up to the rule of *the end of the rope*.

I have more than once debated with myself how far an allowance of ample salaries by enabling those Moluvies, Cazies and Moonshies to provide honourably for all their wants, might prove conducive to more uprightness; and the result of my reasonings combined with my observations, always went to conclude that even such a measure would not answer the purpose. Have the Lacs gained by so many Mootufud-dies or pen-men at the head of the Qhalissah-Office, or by some others who have moved in the highest spheres, as lessees of whole provinces of Bengal; have I say, those Princely fortunes and those amazing emoluments, prevented those mighty men from snapping at the smallest benefits, or committing the meanest actions, or lending at any time a willing ear to bribery and corruption? No. Have the princely estates enjoyed by the zemindars or Great Landlords, ever weaned them from their riveted custom of plundering and killing travellers and merchants, whenever they can do it with safety? No. Have those extensive estates or rather dominions, and that high rank of their's, at any time been proof against the temptation of filching, or stealing, or seizing by force or by artifice a sum of money actually on the high road, whether for Bankers or for Merchants? No. Has a man now descended deep in the vale of years, and who must have enjoined honors, commands and riches, to satiety, ever abstained on that account

from little practices, those little practices, and partialities hardly to be expected even from one of his substitutes? No. This man after having lived amidst heaps of money counted by corrors, enjoys even now a revenue of seven lacks and a half, and inhabits the only palaces in Bengal: have all those considerations ever proved a bar to his descending to the ridiculously low, and ludicrously infamous little practices which obliged Governor Hastings to curtail his power and to clip his wings in the exercise of the office which he still left him? No. Has even that disgrace prevented him from keeping workmen in his palace, employed day and night in taking down gems of value, and putting others of equal bigness, but of small value, in those many jewels which his office enables him to recover from the hands of thieves and banditties, but which his duty obliges him to refund to the owners, or else to send to the fisc? No. then an augmentation of salaries would not answer the purpose with men of no education, and no principles; and who being obliged some how to purchase their offices, must some how contrive to turn them to account; and nothing probably would answer, but severe fines and dismissions and incappacitations, not only on any high misdemeanor being proved, but even on any repeated complaints on the same subject and against the same man.

And here, methinks, I perceive a scrupulous critic who cries aloud that such a practice would open a door to a number of groundless charges, and vexatious accusations, by which Cazies and Moluvies and Cutvals and Moonshies and judges, would be either turned out of their bread and offices, or impeded in the exercise of their employments. But let the critic reflect, and reflect again, on the amazingly tame character of the natives of this Country, indeed on their amazingly singular character: Incredibly overbearing, supercilious and tyrannical when in power; incredibly crouching and tame, when not in it. *Atque cvis patiens injuriae*, is what Phædrus sayd of them two thousand years ago, without suspecting any thing of the matter. Those few words give a full length of all the Bengalies put together. Do you really believe that among ten thousand low or midling people, oppressed, there can be ten men that have right notions enough of the

the English Government to think that redress may be had, if applied for ? and of these ten do you believe that there is one single of them that can muster either money enough, or courage enough or patience enough, to attempt it ? None : assuredly none will ever think of it, unless he be an Armenian, a Bengalee connected with the principal Bengalees of Calcutta, or possibly, but I doubt much of it, a man dependant on the two Nawabs of Moorshoodabad, or on the Djagatseats. If you be new in Jerusalem, it is to no purpose to argument this matter with you ; and if you be not, it would be needless to take that trouble.

I was going to end ; but as mention has been so often made of those two weighty men Moonshy-Qhadja-Ahmed, and Moonshy Gholam-Ally, those men from whose decision there is no receding, those men who make, and unmake what they please ; you will be curious to hear some account of them. The former is a Cashmirian, and Cashmirians bear so generally a bad character all over the Indian World, that grave historians, like the author of the *Sëir-Mutaqherin*, have not disdained to take notice of it ; and Austere Emperors, like Aorengzib, have not thought it beneath their dignity, to testify their contempt of them, as subjects, by not admitting them in their service, whether in the Civil or Military lines : as to the second, he is a Bengalee ; and has been some hundred years ago stigmatised before hand by the proverb, which says *Cashmiri, bi Piri ; Bengali, Djendjali*. A troublesome fellow is a Bengalee but a Cashmirian, is always an Athee. However the Proverb talks too severely of him : he has but two defects : the first that of being a low bred fellow, who can read a sing-song-petition, or letter, such as are customary in this country ; but who proves a blockhead, whenever any thing uncommon in the narrative or in the reasoning, is offered to his perusal. The second defect would be deemed a laudable qualification by some others ; and it is no more than this : firm in his attachments, he supports a man against all and even against his own master, whom he some how finds means to bring to his opinion at last. This man with only fifty rupees per month, finds means to save money, and also to maintain a household of fifty-two persons. But he has a hundred rupees more from the Nawab ; and
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is not the Navvab master of bestowing his bounty on whom he pleases? He is undoubtedly; but dependants of a Court of Justice should be carefull of exposing themselves to a deal of obloquy by accepting pensions from a Prince, whom historians pourtrayed twelve years ago as a man who spends thousands and thousands, where not a rupee ought to be given, and proves ridiculously stingy, where it becomes him to give some thing. Why then to accept a pension from such a quarter? Is it under the condition of paying a constant, although denied, regard, to the endless recommendations the Navvab is perpetually pouring on the tribunals of Justice upon every subject suggested to him by his Eunuch's or even by the meanest of his dependants? Why then to accept such an open pension, which affords fair play to the most injurious, although most natural, suspicions?

But the Navvab's liberality extends every where: Qhadja-Ahmed, who governs the Fodjdary, as Gholam-Ally sways the Civil line, enjoys from the same hand a pension of one hundred and fifty rupees per month: But this pension, and a salary of fifty more which he enjoys from Government, will never account for the princely retinue which he keeps-up: two full grown idle sons, in elegant clothes and carriages: two elephants; several horses; and eighty-two persons &c. &c. Gholam-Ally is too good a Musulman to drink grape-liquor: it is forbidden in the Coran under the name of Qhamr, or Red: not he. But as there is no such thing in that sacred volume as a hint about certain violent liquors which are extracted from the date fruit, from the Date-trees, and from the sap of Cocoa, and from sugar-cane as well as rice; the scrupulous man indulges in them like a thorough paced Musulman, that is, bestially, but however only now and then; so that those who pretend that he is not quite sober for full three days in the week, are down-right liars and Calumniators; but Qhadja-Ahmed is a much greater genius: after having taken to himself within the day a tola and half of solid Opium* that is, as much as would

* One hundred and twenty grains.

kill twenty five Englishmen, and disorder the minds of fourty, he comes in Court with eyes starting out of their sockets; and there he can inuffle through a sentence, which he has already pronounced in his lodgings: he can do all that, convict a criminal unravell his sutterfuges; and as his genius is universal and transcendant, he can shift his talents to a Civil Court; and there leaning on the table over his master, with an arm stretched before the latter, he can argument with Stiff pleaders and tell them, "*We* are restricted to rules and forms; and as you have complained in Court of a ballance of accounts, which you said Hingen, your Cansaman owed you, but which he denies; and your debt, if true, must be of some other denomination, your cause ends there, and you must file a new bill."

Hear then, ye poor disconsolate suitors! Ye thousands and hundred thousands of inhabitants of Moorshoodabad! Hear: it is to two such men that ye, as well as I, are obliged to stoop; and it is these who to day decide irrevocably on your lives and properties as well as on mine.

Before I end, I cannot help recollecting a question which I have seen more than once debated amongst the English, as well as amongst the natives, to wit: whether the extension of the powers of the Supreme Court of Judicature all over Bengal, would be an evil or a blessing to that country; and whether such an extension would meet with the approbation of the natives, or not. I acknowledge that those judges on their landing in this country have, as thorough strangers to it, unavoidably committed great mistakes, which by the by they soon came to rectify of themselves; and I acknowledge also that *subpœnas* are a great hardship, even if they had not extended them so far, as to drag a poor wretch from Patna and Chatigong down to Calcutta. These and the like errors would have been to all appearance rectified in time; and the *subpœnas* would have been rendered tolerable by establishing inferior Courts of judicature at Moorshoodabad, Dacca, Patna and elsewhere. But will any man in his senses contend that the inconveniencies resulting from those evils,

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(even admitting them to be permanent), are to be compared to the venality, speculation, oppression and extortion that pervade all ranks, and enable a simple peon at three rupees per month or thirty six rupees a year, to purchase his office for fifty, and to make a penny worth of it by selling out to suitors the opportunity of speaking to his master, or of sending in a note? are these evils any thing so mighty when compared to that general disregard to plain justice? to those numberless iniquitous practices, those impositions so commonly put up with every where: and to the impunity and fearlessness with which they are exercised? or will you seriously remember those little frays happened at Dacca and else where, and seriously pretend that those frays were not dictated to? And that the People of Dacca or any other part of Bengal, have ever dreamed of forming the least opposition to the decrees of the Supreme Court? Do you really believe that Such an opposition would have ever been so much as thought of, had not the pride of the Company's Servants been deeply wounded by their being made amenable to common Justice as any other subjects; and their importance deeply concerned at putting a stop to such an alarming novelty? If you believe so, and are so new in Bengal, it is needless to argue with you on a point that requires local knowledge, and only local knowledge; and if you do not believe it, and are one of those many thousands *qui potuerunt rerum cognoscere causas*, it is needless again to lose any time on a subject novel indeed in England, but quite trite and vulgar in Bengal. At all events, make the lawyers, attorneys, and advocates of an English Court, as bad and as corrupt, as you will; still must you admit that they are men of education, and that education as well as the study of the laws, not only soften the heart in general, and in general enlarge the mind, but that they produce at the same time a greater accuracy in reasoning and a greater justness in speaking than is commonly found amongst the other classes of mankind, physicians and clergymen, excepted. Will you deny that all these qualifications will not necessarily produce a greater regard for their own personal character: an article upon which the natives from the first to the very last seem to have no feeling at all, or seem to be dead to all intents and purposes? Will you not admit that inferior Englishmen in the inferior

inferior Courts of Bengal, would carry with them every where that same independence of thought and conduct so peculiar to their nation, and so conspicuous in Calcutta; And that a deviation from the rules of equity or abstinence by one member would not be immediately taken up, and glosed over and published by all the others? and is it not probable that this very publication and the impending loss of character with all its woefull consequences, would prove a perpetual chekon every one of them? Do you not believe that the conflicts of jurisdiction that would now and then happen between the lawyers and civilians (alias the company's servants) would render these carefull of exposing their conduct to such a keen sighted scrutiny? and that the lawyers themselves would be put upon their guard by the prying jealousy of their adversaries? and do you not think that even this collision of interests would prove a mighty blessing? Can we forget that an Englishman having happened to forswear himself, and that too obscurely and very doubtfully, it became necessary even after six full years had elapsed, to play no less a machinery than M., B * 's unbounded influence and skilfull management to introduce the doubtfull man at his table, and to make his health be drank to like that of any other Gentleman? And shall we cease to remember that in Moorshoodabad men guilty of the most odious infamies are admitted in all companies, and sit with the two Navvabs? For rest assured that Abdollah Yermanee, after having denied, his bond, seal, and manual sign; and after having forsworne himself forty times over and over in full Court within twenty months time, will not be the worse for all that; nor will all that be of any discredit to him Go to Moorshoodabad, and you shall see him sit in the presence of the two Navvabs, and talk familiarly to them in his usual garb, idest, with a Coran hanging at his sash and a Rosario at his hand; and the proof is plain: Mubarec ed Döulah, although fully apprised of his case, wrote twenty letters of recommendation to Mr. Burges.

The only material objection made to English Courts of Justice, is their enormous incredible fees: I acknowledge the charge; but it has turned out to be a kind of good, although originally an evil: it has deterred even in Calcutta, where center all the riches of the country, it has de-
tered

terred an infinity of men from going to law; and will it have a lesser effect in those deserted, impoverished forlorn cities of Bengal? and if poorer people are precluded from ruining themselves by law-suits, or from being made a *tool of others to undo their adversaries* will it not be so much the better for both parties? at any rate, justice will cost dear, as it does at Calcutta; but we shall know the Shop where it is to be had: it is cheap, they say, out of Calcutta, and of course at Moorhoodabad; and I am glad to hear it: but pray tell me in what shop it is to be had.

Calcutta May 20, 1789.



